

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT AND TODD KUENZI  
1973 HIBBARD ROAD  
SILVERTON, OREGON 97381

503-364-3353

to use the waters of AN UNNAMED STREAM AND A RESERVOIR CONSTRUCTED UNDER APPLICATION R-73345, PERMIT R-11503, tributaries of BEAR CREEK, for IRRIGATION OF 52.0 ACRES.

This permit is issued approving Application 73346. The dates of priority APRIL 16, 1993 for STORED WATER and FEBRUARY 2, 1994 for LIVE FLOW. The use is limited to not more than 0.5 CUBIC FOOT PER SECOND FROM LIVE FLOW AND 22.0 ACRE FEET OF WATER LEGALLY STORED in the reservoir, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

NW 1/4 NW 1/4, SECTION 20, T 7 S, R 1 W, W.M.; POD 1 - 870 FEET SOUTH AND 1210 FEET EAST, POD 2 - 710 FEET SOUTH AND 1200 FEET EAST, BOTH FROM THE NW CORNER OF SECTION 20.

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 period of allowed use for water from the unnamed stream is March 1 through April 30. The period of allowed use for water legally stored is March 1 through October 31.

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:

SW 1/4 NE 1/4	0.1	ACRE
NE 1/4 NW 1/4	14.0	ACRES
NW 1/4 NW 1/4	16.5	ACRES
SW 1/4 NW 1/4	15.4	ACRES
SE 1/4 NW 1/4	6.0	ACRES

SECTION 20  
TOWNSHIP 7 SOUTH, RANGE 1 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.
- 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.
- C. 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.

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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.

Use under Permit R-11503 for recreation 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.

Actual construction work shall begin on or before September 8, 1995, and shall be completed on or before October 1, 1996. Complete application of the water to the use shall be made on or before October 1, 1997.

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 of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date, September 8, 1994.

/s/ MARTHA O. PAGEL

Water Resources Department  
Martha O. Pagel  
Director