

STATE OF OREGON

COUNTY OF LINN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID VAN ESSEN
38846 RIVER DRIVE
LEBANON, OREGON 97355

503-451-3441

to use the waters of WILLAMETTE BASIN PROJECT RESERVOIRS constructed under PERMIT R-5363, and SOUTH SANTIAM RIVER, tributaries of SANTIAM RIVER, for IRRIGATION OF 45.6 ACRES and AGRICULTURAL USE.

This permit is issued approving Application 72906. The date of priority is OCTOBER 23, 1992. The use is limited to not more than 0.538 CUBIC FOOT PER SECOND FROM THE SOUTH SANTIAM RIVER FOR AGRICULTURAL USE AND 105.75 ACRE FEET STORED WATER ONLY FOR IRRIGATION, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SE 1/4 SE 1/4, SECTION 19, SW 1/4 SW 1/4, SECTION 20, T 12 S, R 1 W, W.M.; POD 1 - 950 FEET NORTH AND 10 FEET WEST; POD 2 - 760 FEET NORTH AND 510 FEET EAST, BOTH FROM THE SE CORNER OF SECTION 19.

The amount of water used for AGRICULTURAL USE is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for AGRICULTURAL USE may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to 2.5 acre feet per acre during the irrigation season of each year.

Water may be appropriated from South Santiam River for AGRICULTURAL USE only during the period October 1 through April 30 of each year. Water released from storage may be appropriated for irrigation during the period April 1 through September 30.

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:

SE 1/4 SE 1/4 6.10 ACRES
SECTION 19
NW 1/4 NW 1/4 11.10 ACRES
SW 1/4 NW 1/4 9.55 ACRES
SECTION 29
NE 1/4 NE 1/4 13.45 ACRES
SE 1/4 NE 1/4 5.40 ACRES
SECTION 30
TOWNSHIP 12 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. 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.

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.

The use of water under this right is subject to the terms and conditions of contract No. 5-07-10-W1029, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

Actual construction work shall begin on or before September 29, 1996 and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 1998.

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 29, 1995.


 Water Resources Department
 Martha O. Pagel
 Director