

STATE OF OREGON

COUNTY OF Marion

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JAMES BUTSCH
15234 BUTSCH LANE NE
MT ANGEL, OREGON 97362

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

APPLICATION FILE NUMBER: S-71160

SOURCE OF WATER: BUTTE CREEK, A TRIBUTARY OF PUDDING RIVER

PURPOSE OR USE: IRRIGATION OF 30.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 360.7 ACRES

RATE OF USE: 4.88 CFS

PERIOD OF ALLOWED USE: MARCH 1 THROUGH APRIL 30

DATE OF PRIORITY: FEBRUARY 1, 1991 FOR 0.37 CFS AND FEBRUARY 8, 1991 FOR 4.51 CFS

POINT OF DIVERSION LOCATION:

SE 1/4 NE 1/4, SECTION 36, T 5 S, R 1 W, W.M., SW 1/4 NW 1/4, SECTION 31, T 5 S, R 1 E, W.M.; DIVERSION POINT #1 - 3930 FEET NORTH & 20 FEET WEST; FROM SE CORNER, SECTION 36; DIVERSION POINT #2 - 3130 FEET NORTH & 1060 FEET EAST, BOTH FROM THE SE CORNER OF SECTION 36.

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:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 NW 1/4	5.0 ACRES	
SE 1/4 NW 1/4	20.0 ACRES	
SECTION 6		
TOWNSHIP 6 SOUTH, RANGE 1 EAST, W.M.		
SE 1/4 SW 1/4		18.3 ACRES
SW 1/4 SW 1/4	5.0 ACRES	1.5 ACRES
SECTION 36		
TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.		

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Water Resources Department

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SUPPLEMENTAL

NE 1/4 NE 1/4 38.6 ACRES
 NW 1/4 NE 1/4 39.3 ACRES
 SW 1/4 NE 1/4 35.4 ACRES
 SE 1/4 NE 1/4 36.3 ACRES
 NE 1/4 NW 1/4 30.3 ACRES
 NW 1/4 NW 1/4 13.5 ACRES
 NE 1/4 SW 1/4 30.0 ACRES
 NW 1/4 SW 1/4 28.0 ACRES
 NE 1/4 SE 1/4 17.6 ACRES
 NW 1/4 SE 1/4 34.9 ACRES
 SW 1/4 SE 1/4 37.0 ACRES

SECTION 1

TOWNSHIP 6 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, 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 permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

In the interest of conserving groundwater, this permit may be exercised during March and April, to satisfy the primary right provided that the total quantity of water diverted from all sources does not exceed 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.

STANDARD CONDITIONS

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

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 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.

Issued November 6, 1995


for Water Resources Department
Martha O. Pagel
Director

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Basin 02 Volume 15 Zollner Creek & Misc
DLB

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District 16