

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KEVIN R. LOE  
5648 EVANS VALLEY LOOP RD.  
SILVERTON, OREGON 97381

PHONE: (503) 873-2085

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

APPLICATION FILE NUMBER: S-71718

SOURCE OF WATER: EVANS CREEK, A TRIBUTARY OF ABIQUA CREEK

PURPOSE OR USE: IRRIGATION OF 87.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 26.6 ACRES

RATE OF USE: 1.42 CUBIC FOOT PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH APRIL 30

DATE OF PRIORITY: JUNE 26, 1991

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 31, T6S, R1E, W.M.; 1460 FEET SOUTH & 1220 FEET EAST FROM THE NW CORNER OF SECTION 31

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>
NW 1/4 SW 1/4	16.5 ACRES	
SW 1/4 SW 1/4	29.1 ACRES	
SE 1/4 SW 1/4	10.5 ACRES	10.6 ACRES
SW 1/4 SE 1/4		2.0 ACRES
SECTION 30		
NW 1/4 NE 1/4		0.6 ACRE
NE 1/4 NW 1/4	0.7 ACRE	8.3 ACRES
NW 1/4 NW 1/4	11.5 ACRES	
SE 1/4 NW 1/4		1.1 ACRE
NE 1/4 SW 1/4	9.3 ACRES	0.4 ACRE
NW 1/4 SW 1/4	3.1 ACRES	2.2 ACRES
SECTION 31		
TOWNSHIP 6 SOUTH, RANGE 1 EAST, W.M.		

SE 1/4 NE 1/4 7.2 ACRES  
NE 1/4 SE 1/4 1.4 ACRE  
SECTION 36  
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.
- 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.

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 screen is to be in place and functional 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.

**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.

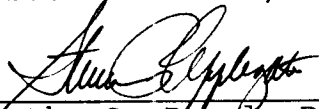
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

*B+C date ext to 10-1-03*

Issued March 18, 1996



Martha O. Pagei, Director  
Water Resources Department