

STATE OF OREGON
COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

FRANK SETNIKER
3601 HILL RD N
MCMINNVILLE, OREGON 97218

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

APPLICATION FILE NUMBER: S-71064

SOURCES OF WATER: BERRY CREEK, TRIBUTARY TO BAKER CREEK; BAKER CREEK, TRIBUTARY TO PANTHER CREEK; AND AN UNNAMED RESERVOIR TO BE CONSTRUCTED UNDER APPLICATION R-72995, PERMIT R-11613

PURPOSE OR USE: IRRIGATION OF 19.7 ACRES AND SUPPLEMENTAL IRRIGATION OF 332.4 ACRES

Rate of use: 1.7 CFS OF LIVE FLOW being 0.245 CFS PRIMARY IRRIGATION AND 1.412 CFS SUPPLEMENTAL IRRIGATION, AND 200.3 ACRE-FEET OF STORED WATER per year from AN UNNAMED RESERVOIR CONSTRUCTED UNDER APPLICATION R-72995, PERMIT R-11613.

Period of allowed use: 1.7 CFS OF LIVE FLOW is allowed from MARCH 1 THROUGH APRIL 30; irrigation after APRIL 30 shall be restricted to 200.3 acre-feet per year from water stored under APPLICATION R-72995, PERMIT R-11613.

DATE OF PRIORITY: December 21, 1990

POINT OF DIVERSION LOCATIONS:

BAKER CREEK	NE 1/4 NW 1/4, SECTION 18, T4S, R4W, W.M.; 50 FEET SOUTH AND 1920 FEET EAST FROM NW CORNER, SECTION 18, TOWNSHIP 4 SOUTH, RANGE 4 WEST, W.M.
BERRY CREEK:	SE 1/4 SE 1/4, SECTION 12, T4S, R5W, W.M.; 660 FEET NORTH AND 130 FEET WEST OF THE SE CORNER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 5 WEST, W.M.
RESERVOIR:	SE 1/4, SECTION 12, T4S, R5W, W.M.; 730 FEET NORTH AND 770 FEET WEST OF THE SE CORNER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 5 WEST, W.M.

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:

SUPPLEMENTAL IRRIGATION

SW 1/4 NW 1/4	38.0 ACRES
SE 1/4 NW 1/4	16.2 ACRES
NE 1/4 SW 1/4	17.0 ACRES
NW 1/4 SW 1/4	40.0 ACRES
SW 1/4 SW 1/4	37.0 ACRES
SE 1/4 SW 1/4	16.1 ACRES

SECTION 7

TOWNSHIP 4 SOUTH, RANGE 4 WEST, W.M.

SW 1/4 NE 1/4	6.0 ACRES
SE 1/4 NE 1/4	28.4 ACRES
NE 1/4 SE 1/4	40.0 ACRES
NW 1/4 SE 1/4	27.9 ACRES
SW 1/4 SE 1/4	28.6 ACRES
SE 1/4 SE 1/4	37.2 ACRES

SECTION 12

TOWNSHIP 4 SOUTH, RANGE 5 WEST, W.M.

PRIMARY IRRIGATION

NW 1/4 NE 1/4	4.0 ACRES
NE 1/4 NW 1/4	15.7 ACRES

SECTION 18

TOWNSHIP 4 SOUTH, RANGE 4 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.

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.

C-06

Issued February 23, 1996.


for Martha O. Page, Director
Water Resources Department