

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID SETNIKER
PO BOX 338
INDEPENDENCE, OREGON 97351

(503) 838-4302

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

APPLICATION FILE NUMBER: S-70919

SOURCE OF WATER: HAYDEN SLOUGH, TRIBUTARY OF RICKREALL CREEK, MARCH 1 TO JUNE 30 AND OCTOBER 1 TO OCTOBER 31 WITH ANY DEFICIENCY IN THE AVAILABLE SUPPLY TO BE APPROPRIATED FROM THE WILLAMETTE RIVER, TRIBUTARY OF THE COLUMBIA RIVER. FOR THE PERIOD JULY 1 TO SEPTEMBER 30 THE WILLAMETTE RIVER, TRIBUTARY OF THE COLUMBIA RIVER.

PURPOSE OR USE: PRIMARY IRRIGATION OF 741.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 68.6 ACRES

RATE OF USE: 8.98 CFS

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31 OF EACH YEAR

DATE OF PRIORITY: November 9, 1990

POINT OF DIVERSION LOCATION: SE 1/4 NW 1/4, SECTION 1, NE 1/4 NW 1/4, SECTION 2, T8S, R4W, W.M.; HAYDEN SLOUGH - 320 FEET SOUTH & 2000 FEET EAST FROM THE NW CORNER SECTION 2; WILLAMETTE RIVER - 1660 FEET SOUTH AND 1400 FEET EAST FROM THE NW CORNER SECTION 1.

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 1/2 acre-feet for each acre irrigated during the irrigation season of each year.

THE USE AND PLACE OF USE IS LOCATED AS FOLLOWS:

PRIMARY IRRIGATION

NE 1/4 NE 1/4	0.4 ACRE
SW 1/4 NE 1/4	40.0 ACRES
SE 1/4 NE 1/4	30.1 ACRES
SE 1/4 NW 1/4	36.4 ACRES
NE 1/4 SW 1/4	37.2 ACRES
SE 1/4 SW 1/4	10.9 ACRES
NE 1/4 SE 1/4	26.4 ACRES

SECTION 34

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NW 1/4 SE 1/4 40.0 ACRES
 SW 1/4 SE 1/4 12.7 ACRES
 SE 1/4 SE 1/4 8.4 ACRES
 SECTION 34

NE 1/4 NW 1/4 0.4 ACRE
 NW 1/4 NW 1/4 12.0 ACRES
 SW 1/4 NW 1/4 15.8 ACRES
 SECTION 35

TOWNSHIP 7 SOUTH, RANGE 4 WEST, W.M.

NE 1/4 NW 1/4 4.8 ACRES
 NW 1/4 NW 1/4 24.2 ACRES
 SECTION 2

NW 1/4 NW 1/4 10.7 ACRES
 SW 1/4 NW 1/4 26.0 ACRES
 NW 1/4 SW 1/4 30.0 ACRES
 SECTION 3

NE 1/4 NE 1/4 33.6 ACRES
 NW 1/4 NE 1/4 25.5 ACRES
 SW 1/4 NE 1/4 37.5 ACRES
 SE 1/4 NE 1/4 23.7 ACRES
 NE 1/4 NW 1/4 25.5 ACRES
 NW 1/4 NW 1/4 21.9 ACRES
 SW 1/4 NW 1/4 31.3 ACRES
 SE 1/4 NW 1/4 40.0 ACRES
 NE 1/4 SW 1/4 27.4 ACRES
 NW 1/4 SW 1/4 23.0 ACRES
 SE 1/4 SW 1/4 3.8 ACRES
 NE 1/4 SE 1/4 19.9 ACRES
 NW 1/4 SE 1/4 31.4 ACRES
 SW 1/4 SE 1/4 27.1 ACRES
 SE 1/4 SE 1/4 1.3 ACRES
 SECTION 4

SE 1/4 NE 1/4 0.7 ACRE
 NE 1/4 SE 1/4 1.0 ACRE
 SECTION 5

TOWNSHIP 8 SOUTH, RANGE 4 WEST, W.M.

SUPPLEMENTAL IRRIGATION

NE 1/4 NE 1/4 8.2 ACRES
 NW 1/4 NE 1/4 29.6 ACRES
 NE 1/4 NW 1/4 29.6 ACRES
 NW 1/4 NW 1/4 1.2 ACRES
 SECTION 3

TOWNSHIP 8 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 devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and bypass devices are to be in place, functional and inspected/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.

Issued April 22, 1996

G. Huntly (for)
Martha O. Pagel, Director
Water Resources Department

BC #3