

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MT. JEFFERSON FARMS
PO BOX 12708
SALEM, OREGON 97309

(503) 363-0467

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

APPLICATION FILE NUMBER: S-80506

SOURCE OF WATER: SMALLMAN CREEK AND WILLAMETTE BASIN PROJECT RESERVOIR, CONSTRUCTED UNDER PERMIT R-1625, TRIBUTARIES TO WILLAMETTE RIVER

PURPOSE OR USE: IRRIGATION OF 49.9 ACRES

RATE/VOLUME OF ALLOWED USE: 0.62 CUBIC FOOT PER SECOND FROM SMALLMAN CREEK AND 49.9 ACRE-FEET FROM BUREAU OF RECLAMATION WATER SUPPLY CONTRACT

PERIOD OF ALLOWED USE: MARCH 1 THROUGH JUNE 30 FOR NATURAL LIVE FLOW FROM SMALLMAN CREEK AND THE USE OF STORED WATER ONLY DURING THE PERIOD MARCH 1 THROUGH OCTOBER 31 OR AS MAY BE FURTHER LIMITED BY THE BUREAU OF RECLAMATION WATER SUPPLY CONTRACT

DATE OF PRIORITY: JUNE 26, 1995

POINT OF DIVERSION (POD) LOCATION: NW 1/4 SE 1/4, SW 1/4 SE 1/4, SECTION 35, T9S, R2W, W.M.; NW 1/4 NW 1/4, SECTION 2, SE 1/4 NE 1/4, SECTION 3, T10S, R2W, W.M.; BOR CONTRACT POD - 640 FEET SOUTH AND 910 WEST FROM THE NW CORNER SMALLMAN DLC 53; POD #1 - 430 FEET NORTH AND 180 FEET EAST; POD #2 - 1970 FEET NORTH AND 1550 FEET EAST, BOTH FROM THE W/NW CORNER OF SMALLMAN DLC 53; POD #3 - 1000 FEET SOUTH AND 430 FEET EAST FROM THE NE CORNER OF SMALLMAN DLC 53

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:

NE 1/4 SW 1/4 0.3 ACRE
 SE 1/4 SW 1/4 24.8 ACRES
 NW 1/4 SE 1/4 2.3 ACRES
 SW 1/4 SE 1/4 2.2 ACRES

SECTION 35

TOWNSHIP 9 SOUTH, RANGE 2 WEST, W.M.

NE 1/4 NW 1/4 10.8 ACRES
 NW 1/4 NW 1/4 5.2 ACRES

SECTION 2

NE 1/4 NE 1/4 4.2 ACRES
 SE 1/4 NE 1/4 0.1 ACRE

SECTION 3

TOWNSHIP 10 SOUTH, RANGE 2 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 screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area to the satisfaction of the Oregon Department of Fish & Wildlife.

The use may be restricted if the quality of the source stream, namely the Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

The use of water under this right is subject to the terms and conditions of contract No. 6-07-10-W1113, 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.

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.

Issued this date, June 12, 1996


 Martha O. Pagan, Director
 Water Resources Department

Application S-80506
 Basin 02

Water Resources Department
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 District 16