

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KRAEMER FARMS
13318 DOMINIC ROAD
MT. ANGEL, OREGON 97363

(503) 845-2489

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

APPLICATION FILE NUMBER: S-72037

SOURCE OF WATER: ZOLLNER CREEK AND TWO KRAEMER FARMS RESERVOIRS, CONSTRUCTED UNDER APPLICATION R-72038, PERMIT R-12051, TRIBUTARIES OF PUDDING RIVER

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 633.2 ACRES AND WILDLIFE HABITAT

MAXIMUM FLOW ALLOWED: 0.1 CUBIC FOOT PER SECOND (CFS) FROM ZOLLNER CREEK TO MAINTAIN TWO KRAEMER FARMS RESERVOIRS FOR WILDLIFE HABITAT; 42.5 ACRE-Feet (AF) OF STORED WATER FROM TWO KRAEMER FARMS RESERVOIRS, FOR WILDLIFE HABITAT; AND 102.5 AF OF STORED WATER FROM TWO KRAEMER FARMS RESERVOIRS, FOR SUPPLEMENTAL IRRIGATION OF 633.2 ACRES

PERIOD OF USE: NOVEMBER 1 THROUGH APRIL 30 FOR WILDLIFE HABITAT FROM BOTH ZOLLNER CREEK AND TWO KRAEMER FARMS RESERVOIRS; MARCH 1 THROUGH OCTOBER 31 FOR SUPPLEMENTAL IRRIGATION OF 633.2 ACRES FROM TWO KRAEMER FARMS RESERVOIRS

DATE OF PRIORITY: NOVEMBER 22, 1991

POINT OF DIVERSION LOCATION: NE 1/4 NE 1/4, SECTION 3, NW 1/4 NW 1/4, SECTION 2, T6S, R1W, W.M.; ZOLLNER CREEK AND RESERVOIR 1 - 420 FEET SOUTH AND 790 FEET WEST, RESERVOIR 2 - 1200 FEET SOUTH AND 720 FEET EAST, ALL FROM THE NW CORNER OF SECTION 2

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 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 34.0 ACRES
SE 1/4 SW 1/4 28.2 ACRES
SECTION 34
TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.

Application S-72037 Water Resources Department

PERMIT 52836

NE 1/4 NW 1/4	7.0 ACRES
NW 1/4 NW 1/4	22.6 ACRES
SW 1/4 NW 1/4	29.4 ACRES
SE 1/4 NW 1/4	13.1 ACRES
NE 1/4 SW 1/4	14.1 ACRES
NW 1/4 SW 1/4	10.0 ACRES
SW 1/4 SW 1/4	10.0 ACRES
SE 1/4 SW 1/4	29.9 ACRES
NW 1/4 SE 1/4	14.5 ACRES
SW 1/4 SE 1/4	14.0 ACRES

SECTION 2

NE 1/4 NE 1/4	23.4 ACRES
NW 1/4 NE 1/4	20.2 ACRES
SW 1/4 NE 1/4	14.5 ACRES
SE 1/4 NE 1/4	40.0 ACRES
NE 1/4 NW 1/4	35.9 ACRES
NW 1/4 NW 1/4	37.6 ACRES
SW 1/4 NW 1/4	27.5 ACRES
SE 1/4 NW 1/4	39.9 ACRES
NE 1/4 SW 1/4	20.0 ACRES
SE 1/4 SW 1/4	2.5 ACRES
NE 1/4 SE 1/4	40.0 ACRES
NW 1/4 SE 1/4	1.3 ACRES
SW 1/4 SE 1/4	8.0 ACRES
SE 1/4 SE 1/4	22.3 ACRES

SECTION 3

NE 1/4 NE 1/4	34.5 ACRES
SE 1/4 NE 1/4	36.5 ACRES
NE 1/4 SE 1/4	2.3 ACRES

SECTION 4

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.

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

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

If the conditions of the Agreement (dated August 1, 1994) made between the Oregon Department of Fish and Wildlife (ODFW) and the applicant, Harold Kraemer of Kraemer Farms, are not met to ODFW specifications, fish passage facilities will be necessary. The Agreement is on file with the Department.

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.

SEE NEXT PAGE

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 September 30, 1996



Martha O. Page, Director
Water Resources Department