

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID SETNIKER  
P.O. BOX 338  
INDEPENDENCE, OREGON 97351

PHONE: (503) 838-4302

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-74014

SOURCE OF WATER: WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-1625 AND R-5363, TRIBUTARIES TO THE COLUMBIA RIVER .

PURPOSE OR USE: IRRIGATION OF 169.6 ACRES AND SUPPLEMENTAL IRRIGATION OF 310.3 ACRES

VOLUME OF USE: 565.4 ACRE-FEET, BEING 254.4 ACRE-FEET FOR IRRIGATION AND 311.0 ACRE-FEET FOR SUPPLEMENTAL IRRIGATION, FROM STORED WATER ONLY

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31 OR AS MAY BE FURTHER LIMITED BY THE BUREAU OF RECLAMATION WATER SUPPLY CONTRACT.

DATE OF PRIORITY: APRIL 12, 1994

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 22, T8S, R4W, W.M.; 2300 FEET SOUTH & 1150 FEET WEST FROM THE MOST EASTERLY NE CORNER, THOMAS L. BURBANK DLC 43

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 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>
SE 1/4 NE 1/4		7.0 ACRES
SE 1/4 SW 1/4		19.3 ACRES
NE 1/4 SE 1/4		27.7 ACRES
SW 1/4 SE 1/4		35.9 ACRES
SE 1/4 SE 1/4		34.1 ACRES

SECTION 8

SEE NEXT PAGE

Application S-74014 Water Resources Department

PERMIT 53198

ASSIGNED SERIAL NO. 8 853

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 NW 1/4		7.8 ACRES
SE 1/4 NW 1/4		2.0 ACRES
NE 1/4 SW 1/4		11.7 ACRES
NW 1/4 SW 1/4		40.0 ACRES
SW 1/4 SW 1/4		39.8 ACRES
SE 1/4 SW 1/4		13.0 ACRES

## SECTION 9

NE 1/4 SW 1/4	37.9 ACRES
SW 1/4 SW 1/4	4.1 ACRES
SE 1/4 SW 1/4	6.1 ACRES
NE 1/4 SE 1/4	35.3 ACRES
NW 1/4 SE 1/4	37.7 ACRES
SW 1/4 SE 1/4	4.5 ACRES
SE 1/4 SE 1/4	15.0 ACRES

## SECTION 15

NE 1/4 NW 1/4	20.8 ACRES
NW 1/4 NW 1/4	37.3 ACRES
SW 1/4 NW 1/4	8.6 ACRES
SE 1/4 NW 1/4	3.5 ACRES
NE 1/4 SW 1/4	0.6 ACRE
SE 1/4 SW 1/4	2.4 ACRES
NE 1/4 SE 1/4	0.3 ACRE
NW 1/4 SE 1/4	0.1 ACRES
SW 1/4 SE 1/4	2.4 ACRES
SE 1/4 SE 1/4	6.5 ACRES

## SECTION 16

NE 1/4 NE 1/4	1.8 ACRES
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## SECTION 17

NE 1/4 NE 1/4	5.8 ACRES
NW 1/4 NE 1/4	0.3 ACRE
NE 1/4 NW 1/4	1.8 ACRES

## SECTION 21

NE 1/4 NE 1/4	1.0 ACRE
NW 1/4 NW 1/4	7.8 ACRES

## SECTION 22

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

Application S-74014 Water Resources Department

PERMIT 53198

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.

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

The use of water under this right is subject to the terms and conditions of contract No. 5-07-10-W1039 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.

#### 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. Complete application of water to the use shall be made on or before October 1, 2001.

Issued, June 18, 1997



for Martha O. Pagel, Director  
Water Resources Department

Application S-74014	Water Resources Department	PERMIT 53198
Basin 02	Volume 24 Willamette River South 1/2 & Misc.	District 16
	MGMT CODE 1B, 1BF, 1BW, 3BW	