

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MT JEFFERSON FARMS  
P.O. BOX 12708  
SALEM, OREGON 97309

PHONE: (503) 363-0467

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

APPLICATION FILE NUMBER: S-81103

SOURCE OF WATER: SMALLMAN CREEK, A TRIBUTARY OF THE NORTH SANTIAM RIVER

PURPOSE OR USE: IRRIGATION OF 34.5 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 0.43 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH JUNE 30

DATE OF PRIORITY: APRIL 25, 1996

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 3, T10S, R2W, W.M.;  
640 FEET SOUTH & 910 FEET WEST FROM NW CORNER, 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:

NW 1/4 SW 1/4 0.1 ACRE  
SW 1/4 SW 1/4 2.5 ACRES  
SECTION 2  
NE 1/4 SE 1/4 4.3 ACRES  
SW 1/4 SE 1/4 2.0 ACRES  
SE 1/4 SE 1/4 25.6 ACRES

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

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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.

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.

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

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before 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.

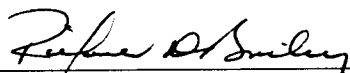
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Issued September 30, 1997



Martha O. Pagel, Director  
Water Resources Department

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District 16