

STATE OF OREGON

COUNTY OF LINN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WILLIAM J. STELLMACHER
30416 STELLMACHER DR SW
ALBANY, OREGON 97321

JOYCE M. CARNEGIE
1305 14TH AVE SW
ALBANY, OREGON 97321

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

APPLICATION FILE NUMBER: S-71571

SOURCE OF WATER: HORSESHOE LAKE AND WILLAMETTE BASIN PROJECT RESERVOIR,
CONSTRUCTED UNDER PERMIT R-5363, TRIBUTARIES OF WILLAMETTE RIVER

PURPOSE OR USE: IRRIGATION OF 121.6 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 1.52 CUBIC FEET PER SECOND FROM LIVE FLOW
AND NOT MORE THAN 150.0 ACRE-FEET (AF) PER YEAR FROM STORED WATER ONLY,
PROVIDED THAT THE TOTAL VOLUME OF STORED WATER USED UNDER THIS PERMIT
TOGETHER WITH ANY AMOUNT USED UNDER PERMIT 53334 DOES NOT EXCEED 150.0
AF PER YEAR, BEING THE AMOUNT OF STORED WATER MADE AVAILABLE UNDER THE
BUREAU OF RECLAMATION WATER SUPPLY CONTRACT

PERIOD OF USE: MARCH 1 THROUGH JUNE 30 AND SEPTEMBER 1 THROUGH OCTOBER
31 FROM LIVE FLOW; STORED WATER MAY BE USED MARCH 1 THROUGH OCTOBER 31
OR AS FURTHER LIMITED BY THE BUREAU OF RECLAMATION WATER SUPPLY CONTRACT

DATE OF PRIORITY: MAY 6, 1991

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SECTION 15, T11S, R4W, W.M.;
500 FEET NORTH AND 100 FEET EAST FROM THE SW CORNER OF SECTION 15

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	15.7 ACRES
NW 1/4 SW 1/4	15.6 ACRES
SW 1/4 SW 1/4	33.0 ACRES
SE 1/4 SW 1/4	39.5 ACRES
NW 1/4 SE 1/4	4.4 ACRES
SW 1/4 SE 1/4	12.9 ACRES
SECTION 15	

NE 1/4 SE 1/4 0.2 ACRE

SE 1/4 SE 1/4 0.3 ACRE

SECTION 16

TOWNSHIP 11 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.

Applicant may pump directly from proposed point of diversions on Horseshoe Lake unless pumping causes substantial interference with more senior water right users and regulation occurs, then use must stop.

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 required screens and fishways are to be in place, functional, and approved by Oregon Department of Fish and Wildlife before diversion of any water.

The use of water under this right is subject to the terms and conditions of Contract No. 8-07-10-W1195, 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.

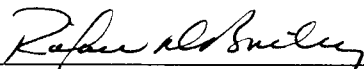
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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, 2002.

Issued February 12, 1998



Martha O. Pagel, Director
Water Resources Department