

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 97362

(503)845-2489

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

APPLICATION FILE NUMBER: S-70321

SOURCE OF WATER: ZOLLNER CREEK

TRIBUTARY OF: PUDDING RIVER

PURPOSE OR USE: PRIMARY IRRIGATION OF 51.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 331.5 ACRES

MAXIMUM FLOW ALLOWED: 1.0 CUBIC FOOT PER SECOND AND AS FURTHER LIMITED BELOW

PERIOD OF USE: MARCH 1 THROUGH JUNE 30 AND AS FURTHER LIMITED BELOW

DATE OF PRIORITY: APRIL 26, 1990

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 2, NE 1/4 NE 1/4, SECTION 3, T6S, R1W, W.M; DIV 2- 1160 FEET SOUTH & 810 FEET EAST; DIV 3- 230 FEET SOUTH & 830 FEET WEST BOTH FROM NORTHWEST CORNER, 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 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:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
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.		

SW 1/4 NW 1/4	1.7 ACRES	9.5 ACRES
SE 1/4 NW 1/4		8.3 ACRES
SECTION 2		

NW 1/4 NE 1/4	11.1 ACRES	9.1 ACRES
SW 1/4 NE 1/4		12.0 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		30.0 ACRES
NE 1/4 SE 1/4		40.0 ACRES
SE 1/4 SE 1/4	2.3 ACRES	22.0 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.

Consistent with the August 1, 1994, Agreement between the permittee and ODFW, and on file with the Water Resources Department in Application file S-72037 and R-72038, diversion of water under this permit, combined with diversion under Application S-72037, Permit 52836 and Application R-72038, Permit R-12051, shall be limited to no more than 25 percent of the instream flow of Zollner Creek as measured at the staff gage described below.

Consistent with the August 1, 1994, Agreement between the permittee and ODFW, and on file with the Water Resources Department in Application file S-72037 and R-72038, diversion of water under this permit may only occur when there is a minimum of 1.0 cfs of natural streamflow entering Kraemer Farms Reservoir (application R-72038, Permit R-12051). While diversion is occurring, if the natural streamflow entering Kraemer Farms Reservoir, measured at the staff gage described below, drops below 1.0 cfs, diversion shall cease.

Prior to water use under this permit, the permittee shall install a staff gage in a suitable location to measure the natural streamflow entering Kraemer Farms Reservoir (Application R-72038, Permit R-12051). The location of the staff gage shall be to the satisfaction of the Watermaster. The permittee shall maintain the staff gage to the satisfaction of the Watermaster which shall include periodic discharge measurements to adequately define an accurate rating for the staff gage. By March 1 of each year the permittee shall provide the discharge measurements and staff gage rating to the Watermaster for review.

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.

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

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.

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

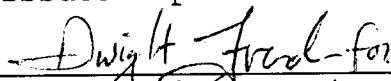
compliance with statewide land-use goals and any local acknowledged land-use plan.

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 of the well shall begin by April 26, 2001. Complete application of water to the use shall be made on or before October 1, 2004. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued September 15, 2000


Paul R. Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.