

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-84953

Final Order

Application History

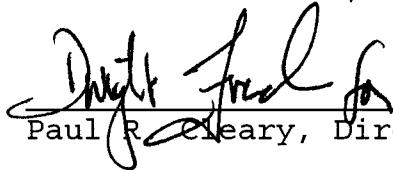
On OCTOBER 26, 2001, WILLIAMSON FAMILY LIMITED PARTNERSHIP submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 11, 2002. The protest period closed July 26, 2002, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest.

Order

Application S-84953 therefore is approved as proposed by the Proposed Final Order, and Permit 53824 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED September 4, 2002


Paul R. Cleary, Director

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of this order must be filed within the 60 day time period specified by ORS 183.484(2).

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

This document was prepared by Russell W. Klassen. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me at 1-503-378-8455 extension 266.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun. Her extension number is 239.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: (503)378-2496

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WILLIAMSON FAMILY LIMITED PARTNERSHIP
19527 CASE ROAD
AURORA, OREGON 97002

(503) 678-5588

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

APPLICATION FILE NUMBER: S-84953

SOURCE OF WATER: CASE CREEK RESERVOIR, AUTHORIZED UNDER CERTIFICATES
40454 AND 55404, A TRIBUTARY OF CHAMPOEG CREEK

PURPOSE OR USE: IRRIGATION OF 102.3 ACRES

MAXIMUM VOLUME: 255.0 ACRE FEET EACH YEAR

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: OCTOBER 26, 2001

POINT OF DIVERSION LOCATION: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 24, T4S, R2W, W.M. 1800
FEET NORTH & 140 FEET EAST FROM SW CORNER, GAUTHIER DLC 81

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 $\frac{1}{4}$ SW $\frac{1}{4}$ 0.2 ACRES

SECTION 19

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 25.8 ACRES

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 7.6 ACRES

SECTION 30

TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 4.3 ACRES

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 21.2 ACRES

SECTION 24

NE ¼ NE ¼ 35.6 ACRES
NW ¼ NE ¼ 0.6 ACRES
SW ¼ NE ¼ 0.2 ACRES
SE ¼ NE ¼ 6.8 ACRES

SECTION 25

TOWNSHIP 4 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, 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.

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 or downstream waters decrease to the point that those waters no longer meet existing state or 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.

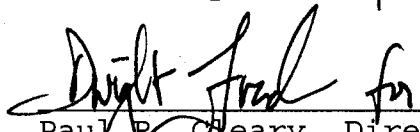
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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.

Complete application of the water to the use shall be made on or before October 1, 2006. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 4, 2002



Paul R. Creary, Director
Water Resources Department

Application S-84953
Basin 2
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Water Resources Department
Volume 18A CASE CR & MISC

PERMIT 53824
District 16

REAL ESTATE TRANSACTIONS: 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.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

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PERMIT 53824
District 16