

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HANK VANDERWEY
PO BOX 1407
5275 BRUSH CREEK
SILVERTON, OR 97381

503-873-4238

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

APPLICATION FILE NUMBER: S-86210

SOURCE OF WATER: HANK'S POND, CONSTRUCTED UNDER PERMIT R-14200, AND THEA'S POND, CONSTRUCTED UNDER PERMIT R-14201, TRIBUTARIES OF BRUSH CREEK, AND BRUSH CREEK, A TRIBUTARY OF SILVER CREEK

PURPOSE OR USE: IRRIGATION USE ON 23.4 ACRES AND POND MAINTENANCE

MAXIMUM VOLUME: 46.0 ACRE FEET (AF) EACH YEAR, BEING 40.0 AF FROM HANK'S POND AND 6.0 AF FROM THEA'S POND

MAXIMUM RATE: 0.4 CUBIC FOOT PER SECOND (CFS), BEING 0.29 CFS FOR IRRIGATION AND 0.11 CFS FOR POND MAINTENANCE

PERIOD OF USE:

HANK'S AND THEA'S PONDS: IRRIGATION - MARCH 1 THROUGH OCTOBER 31

BRUSH CREEK: IRRIGATION AND POND MAINTENANCE - MARCH 1 THROUGH APRIL 30

DATE OF PRIORITY: MARCH 29, 2005

POINT OF DIVERSION LOCATIONS:

HANK'S POND: NE ¼ SE ¼, SECTION 32, T6S, R1W, W.M.; 1640 FEET NORTH & 1000 FEET WEST FROM SE CORNER, SECTION 32

THEA'S POND: NE ¼ SE ¼, SECTION 32, T6S, R1W, W.M.; 2120 FEET NORTH & 1200 FEET WEST FROM SE CORNER, SECTION 32

BRUSH CREEK: NE ¼ SE ¼, SECTION 32, T6S, R1W, W.M.; 1640 FEET NORTH & 1000 FEET WEST FROM SE CORNER, SECTION 32

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 and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE ¼ NE ¼	0.75 ACRE
NE ¼ SE ¼	20.50 ACRES AND POND MAINTENANCE
NW ¼ SE ¼	1.50 ACRES
SE ¼ SE ¼	0.65 ACRE

SECTION 32
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.
- 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.
- 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.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

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 in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

Complete application of the water to the use shall be made on or before October 1, 2009. 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 August 18, 2005


Phillip C. Ward, Director
Water Resources Department