

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID SETNIKER
PO BOX 338
INDEPENDENCE, OR 97351

This superseding permit is issued to describe an amendment for an additional point of diversion proposed under Permit Amendment Application T-11419 and approved by Special Order Vol. 88, Page 1172, entered January 3rd, 2013. This permit supersedes Permit S-52004.

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

APPLICATION FILE NUMBER: S-70919

SOURCE OF WATER: HAYDEN SLOUGH, TRIBUTARY OF RICKREAL CREEK, MARCH 1 TO JUNE 30 AND OCTOBER 1 TO OCTOBER 31 WITH ANY DEFICIENCY IN THE AVAILABLE SUPPLY TO BE APPROPRIATED FROM THE WILLAMETTE RIVER, TRIBUTARY OF THE COLUMBIA RIVER. FOR THE PERIOD JULY 1 TO SEPTEMBER 30 THE WILLAMETTE RIVER, TRIBUTARY OF THE COLUMBIA RIVER.

PURPOSE OR USE: PRIMARY IRRIGATION OF 741.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 68.6 ACRES

RATE OF USE: 8.98 CFS

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31 OF EACH YEAR

DATE OF PRIORITY: NOVEMBER 9, 1990

POINT OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	DLC	Glott	Measured Distances
8 S	4 W	WM	2	NE NW			HAYDEN SLOUGH - 375 FEET SOUTH AND 2000 FEET EAST FROM THE NW CORNER OF SECTION 2.
8 S	4 W	WM	1	SE NW		3	WILLAMETTE RIVER - 1620 FEET SOUTH AND 1460 FEET EAST FROM THE NW CORNER OF SECTION 1
8 S	4 W	WM	22	SW NW	43		WILLAMETTE RIVER - 2300 FEET SOUTH AND 1150 FEET WEST FROM THE EASTERLY NE CORNER OF DLC 43

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:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	4 W	WM	34	NE NE	0.4
7 S	4 W	WM	34	SW NE	40.0
7 S	4 W	WM	34	SE NE	30.1
7 S	4 W	WM	34	SE NW	36.4
7 S	4 W	WM	34	NE SW	37.2
7 S	4 W	WM	34	SE SW	10.9
7 S	4 W	WM	34	NE SE	26.4
7 S	4 W	WM	34	NW SE	40.0
7 S	4 W	WM	34	SW SE	12.7
7 S	4 W	WM	34	SE SE	8.4
7 S	4 W	WM	35	NE NW	0.4
7 S	4 W	WM	35	NW NW	12.0
7 S	4 W	WM	35	SW NW	15.8
8 S	4 W	WM	2	NE NW	4.8
8 S	4 W	WM	2	NW NW	24.2
8 S	4 W	WM	3	NW NW	10.7
8 S	4 W	WM	3	SW NW	26.0
8 S	4 W	WM	3	NW SW	30.0
8 S	4 W	WM	4	NE NE	33.6
8 S	4 W	WM	4	NW NE	25.5
8 S	4 W	WM	4	SW NE	37.5
8 S	4 W	WM	4	SE NE	23.7
8 S	4 W	WM	4	NE NW	25.5
8 S	4 W	WM	4	NW NW	21.9
8 S	4 W	WM	4	SW NW	31.3
8 S	4 W	WM	4	SE NW	40.0
8 S	4 W	WM	4	NE SW	27.4
8 S	4 W	WM	4	NW SW	23.0
8 S	4 W	WM	4	SE SW	3.8
8 S	4 W	WM	4	NE SE	19.9
8 S	4 W	WM	4	NW SE	31.4
8 S	4 W	WM	4	SW SE	27.1
8 S	4 W	WM	4	SE SE	1.3
8 S	4 W	WM	5	SE NE	0.7
8 S	4 W	WM	5	NE SE	1.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	4 W	WM	3	NE NE	8.2
8 S	4 W	WM	3	NW NE	29.6
8 S	4 W	WM	3	NE NW	29.6
8 S	4 W	WM	3	NW NW	1.2

The combined quantity of water diverted at the new additional point of diversion on the Willamette River, together with that diverted at the old point of diversion on the Willamette River, shall not exceed the quantity of water lawfully available at the original point of diversion on the Willamette River.

Water shall be acquired from the same source as the original point of diversion on the Willamette River.

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2015**.

- A. At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- B. The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

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, and 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 are located within a private structure, the watermaster shall request access upon reasonable notice.

The permittee shall install, maintain, and operate fish screening devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and bypass devices are to be in place, functional and inspected/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 work shall begin within one year from permit issuance and shall be completed on or before October 1, 2016. Complete application of the water to the use shall be made on or before October 1, 2016.

Issued January 3, 2013


Dwight French, Water Rights Services Administrator, for
PHILLIP C. WARD, DIRECTOR