

STATE OF OREGON

COUNTY OF LANE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

JEROME M. AND SHIRLEY J. MCSILVERS
3289 16TH ST
SPRINGFIELD OR 97477

This superseding permit is issued to describe an amendment for a change from a surface water point of re-diversion to a ground water point of re-appropriation proposed under Permit Amendment Application T-11927 and approved by Special Order Vol. 95, Page 117-119, entered February 19, 2015. This permit supersedes Permit S-54852.

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

APPLICATION FILE NUMBER: S-87674

SOURCE OF WATER: WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-1625 AND R-5363, TRIBUTARY TO MCKENZIE RIVER

PURPOSE OR USE: IRRIGATION OF 8.0 ACRES

MAXIMUM VOLUME: 20.0 ACRE FEET

DATE OF PRIORITY: JANUARY 3, 2011

PERIOD: MARCH 1 THROUGH OCTOBER 31

Authorized Point of Re-Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	3 W	WM	24	SE NW	425 FEET SOUTH AND 800 FEET WEST FROM THE WNW CORNER OF FELIX SCOTT JR DLC 51

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	3 W	WM	24	SE NW	3.3
17 S	3 W	WM	24	NE SW	4.7

PERMIT AMENDMENT T-11927 CONDITIONS

The well from which the water is taken under this right shall be constructed so that the use of the well will affect the surface water source similarly to the use of the original authorized point of re-diversion.

The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of re-diversion.

The original point of re-diversion shall not be retained as an additional or supplemental point of diversion under the right.

All applicable restrictions that existed at the original point of re-diversion shall apply to the new point of re-appropriation (proposed well).

The quantity of water diverted at the new point of re-appropriation shall not exceed the quantity of water lawfully available at the original point of re-diversion.

The original priority date shall be retained. However, if within five years after approving the permit amendment, the Department finds that the permit amendment results in substantial interference with existing groundwater rights that would not have occurred in the absence of the permit amendment, the proposed well shall be subordinate to any existing right injured by the amended water right.

If within five years after approval of this permit amendment, the Department receives a transfer application to return to the last authorized surface water point of re-diversion, the application shall be approved as long as the return will not result in injury to an existing water right.

EXISTING CONDITIONS

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of re-diversion, and maintain the meter(s) in good working order.
- B. The permittee shall allow the watermaster access to the meter(s); where a meter 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The use of water under this right is subject to the terms and conditions of contract No. 149E101830, or a satisfactory replacement, between the Bureau of Reclamation and the permittee, a copy of which is on file in the records of the Water Resources Department.

The water user 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 water. The water user may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

STANDARD CONDITIONS

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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, shall be followed.
7. Completion of construction and application of the water shall be made by January 24, 2019. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

8. Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued February 19, 2015



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department