

STATE OF OREGON

COUNTY OF LINN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

STELLMACHER FAMILY PROPERTIES LLC
30416 STELLMACHER DR SW
ALBANY OR 97321

NORTHWEST FARM CREDIT SERVICES FLCA
650 HAWTHORNE AVE SE SUITE 210
SALEM, OR 97301

NORTHWEST FARM CREDIT SERVICES PCA
650 HAWTHORNE AVE SE STE 210
SALEM, OR 97301

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

APPLICATION FILE NUMBER: S-89096

DATE OF PRIORITY: APRIL 8, 2021

Source	Use	Rate/Volume	Period of Use
CALAPOOIA RIVER, TRIBUTARY TO WILLAMETTE RIVER	PRIMARY IRRIGATION OF 59.5 ACRES	0.74 CUBIC FOOT PER SECOND (CFS)	MAY 1 THROUGH JUNE 30
STELLMACHER RESERVOIR, CONSTRUCTED UNDER PERMIT R-15495, TRIBUTARY OF WILLAMETTE RIVER	PRIMARY IRRIGATION OF 59.5 ACRES	60.0 ACRE-FEET (AF)	JULY 1 THROUGH SEPTEMBER 30
	SUPPLEMENTAL IRRIGATION OF 59.5 ACRES		MAY 1 THROUGH JUNE 30
	SUPPLEMENTAL IRRIGATION OF 54.2 ACRES		MAY 1 THROUGH SEPTEMBER 30

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.

AUTHORIZED POINTS OF DIVERSION:

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
NORTH POD	12 S	4 W	WM	3	NE NE	1590 FEET NORTH AND 810 FEET WEST FROM E1/4 CORNER, SECTION 3
SOUTH POD	12 S	4 W	WM	3	NE SE	15 FEET SOUTH AND 680 FEET WEST FROM E1/4 CORNER, SECTION 3
RESERVOIR POD	12 S	4 W	WM	3	NE SE	245 FEET SOUTH AND 950 FEET WEST FROM E1/4 CORNER, SECTION 3

AUTHORIZED PLACE OF USE:

Application S-89096
Basin #2

Water Resources Department
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Permit S-55366
Water District # 2

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	4 W	WM	3	SW NE	21.80
12 S	4 W	WM	3	SE NE	5.30
12 S	4 W	WM	3	NE SE	22.50
12 S	4 W	WM	3	NW SE	1.80
12 S	4 W	WM	3	SE SE	8.10

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	4 W	WM	3	NE NE	10.50
12 S	4 W	WM	3	NW NE	2.20
12 S	4 W	WM	3	SW NE	27.70
12 S	4 W	WM	3	SE NE	10.80
12 S	4 W	WM	3	NE SE	27.30
12 S	4 W	WM	3	NW SE	27.10
12 S	4 W	WM	3	SE SE	8.10

PERMIT SPECIFIC 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. **Water Use Measurement, Recording, and Reporting:**
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the device in good working order.
 - B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes 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.
 - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

3. **Maintain Passage:**

The permittee shall maintain passage of native migratory fish at all times (ORS 509.610) and shall not construct, operate, or maintain any dam or artificial obstruction to fish passage across any waters of the state that are inhabited, or were historically inhabited, by native migratory fish (ORS 509.585).

4. **Fish Screen:**

The permittee shall install, maintain, and operate fish screening consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. The permittee shall obtain written approval from ODFW that the

installation of the required screen meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

5. In-Water Work:

Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of June 1 through October 15, unless an alternate time period is approved by Oregon Department of Fish and Wildlife.

6. Riparian Area Restoration:

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 635-415, shall be followed.

7. Water Quality:

All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.

8. Agricultural Water Quality Management Area Rules:

The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.

9. Off-Channel Stored Water Releases:

The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State engineer to prevent dam failure.

STANDARD CONDITIONS

1. 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.

2. 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.
3. 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.
4. 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.

DEVELOPMENT AND COMPLETION TIMELINE REQUIREMENTS

1. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
2. Complete application of the water shall be made within five years of the date of permit issuance. 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.
3. 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.

Issued **JUL 15 2022**

Katherine Ratcliffe

Katherine Ratcliffe
Water Right Section Manager, for
Thomas M. Byler, Director
Oregon Water Resources Department