

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HAROLD M. MILLER
P.O. BOX 379
HUBBARD, OREGON 97032

503-651-2835

to use the waters of A WELL in the MILLER CREEK BASIN for AGRICULTURAL USE AND SUPPLEMENTAL IRRIGATION ON 110.0 ACRES.

This permit is issued approving Application G-12913. The dates of priority are MAY 11, 1992 for 1.27 CUBIC FEET PER SECOND (CFS), and June 25, 1993 for 0.11 CFS. The use is limited to not more than 1.38 CFS being 1.38 CFS for AGRICULTURAL USE or 1.38 CFS for SUPPLEMENTAL IRRIGATION, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW 1/4 SW 1/4, SECTION 22, T 9 S, R 3 W, W.M.; 300 FEET NORTH AND 710 FEET EAST FROM THE SW CORNER OF SECTION 22.

The amount of water used for agricultural use (NURSERY OPERATIONS) is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for agricultural use (NURSERY OPERATIONS) may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year. Water may be appropriated for AGRICULTURAL USE (nursery operations) year-round, and for SUPPLEMENTAL IRRIGATION from March 1 - October 31 of each year.

A description of the proposed place of use under this permit is as follows:

SE 1/4 SE 1/4	8.4 ACRES
SECTION 21	
SW 1/4 NW 1/4	1.8 ACRES
SE 1/4 NW 1/4	18.9 ACRES
NE 1/4 SW 1/4	10.0 ACRES
NW 1/4 SW 1/4	20.1 ACRES
SW 1/4 SW 1/4	38.8 ACRES
SE 1/4 SW 1/4	2.1 ACRES
SECTION 22	
NW 1/4 NW 1/4	9.0 ACRES
SECTION 27	
NE 1/4 NE 1/4	0.9 ACRE
SECTION 28	

TOWNSHIP 9 SOUTH, RANGE 3 WEST, W.M.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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 use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The permittee shall obtain a static water-level measurement for each well during March of each year and report the measurement to the Department within thirty days. The measurement shall be made by a certified water-rights examiner, registered professional geologist, or professional engineer. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. If a well listed on this permit displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the permittee shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the permittee's or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The reference level for water-level declines shall be the second annual measurement taken after water use begins under the terms of this permit. The permittee shall in no instance allow excessive decline to occur within the aquifer as a result of use under this permit.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Actual construction work shall begin on or before March 14, 1995 and shall be completed on or before October 1, 1995. Complete application of the water shall be made on or before October 1, 1996.

Best to 10-1-96

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 beneficial use of water without waste. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

