

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT FESSLER
11796 MONITOR-MCKEE ROAD
WOODBURN, OREGON

503-634-2231

to use the waters of SIX WELLS in the PUDDING RIVER BASIN for IRRIGATION OF 94.1 ACRES AND NURSERY OPERATIONS ON 94.0 ACRES.

This Permit is issued approving Application G-12004. The date of priority is DECEMBER 26, 1989. The use is limited to not more than 3.7 CUBIC FEET PER SECOND (CFS), BEING 3.0 CFS FOR NURSERY USE AND 0.7 CFS FOR IRRIGATION, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

SW 1/4 SW 1/4, SECTION 22, SW 1/4 NW 1/4, SECTION 27, NE 1/4 NE 1/4, SECTION 28, T 5 S, R 1 W, W.M.; WELL 1 - 1320 FEET SOUTH AND 820 FEET WEST, WELL 2 - 1905 FEET SOUTH AND 970 FEET WEST, WELL 6 - 278 FEET SOUTH AND 890 FEET WEST, ALL FROM THE NE CORNER OF SECTION 28. WELL 3 - 2582 FEET SOUTH AND 130 FEET EAST, WELL 4 - 830 FEET SOUTH AND 1227 FEET EAST, BOTH FROM THE NW CORNER OF SECTION 27. WELL 5 - 35 FEET NORTH AND 130 FEET EAST FROM THE SW CORNER OF SECTION 22.

The amount of water used for AGRICULTURAL USE 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 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. The period of allowed use for irrigation is March 1 through October 31.

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

	<u>IRRIGATION</u>	<u>NURSERY</u>
SE 1/4 SE 1/4 SECTION 21	0.5 ACRE	0.2 ACRE
SW 1/4 SW 1/4 SECTION 22	1.1 ACRES	
NW 1/4 NW 1/4	40.0 ACRES	
SW 1/4 NW 1/4 SECTION 27	40.0 ACRES	
NE 1/4 NE 1/4	12.5 ACRES	19.3 ACRES
NW 1/4 NE 1/4		3.0 ACRES
SW 1/4 NE 1/4		0.1 ACRE
SE 1/4 NE 1/4		32.0 ACRES
NE 1/4 SE 1/4		28.7 ACRES
SE 1/4 SE 1/4 SECTION 28		10.7 ACRES

TOWNSHIP 5 SOUTH, RANGE 1 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 elevations 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, 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 is located within a private structure, the watermaster shall request access upon reasonable notice.

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.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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 September 8, 1995 and shall be completed on or before October 1, 1996. Complete application of water shall be made on or before October 1, 1997.

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.

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 shall be limited when it interferes with any prior surface or ground water rights.

The Director of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date, September 8, 1994.

MSL MARTHA O. PAGEL

Water Resources Department
Martha O. Pagel
Director