

STATE OF OREGON

COUNTY OF LANE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

NIXON FARMS INC.
96313 HULBERT RD
JUNCTION CITY, OREGON 97448

541-998-6097

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

APPLICATION FILE NUMBER: G-13047

SOURCE OF WATER: WELLS 15, 17, 19, 21 AND 23 IN THE INGRAM SLOUGH BASIN

PURPOSE OR USE: IRRIGATION OF 40.42 ACRES AND SUPPLEMENTAL IRRIGATION OF 189.53 ACRES

MAXIMUM RATE OF ALLOWED USE: 2.87 CUBIC FEET PER SECOND (CFS), BEING 0.14 CFS FROM WELL #15, 0.04 CFS FROM WELLS #17 AND #19, 1.49 CFS FROM WELL #21 AND 1.20 CFS FROM WELL #23

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: July 27, 1992

POINTS OF DIVERSION LOCATION: SW 1/4 SE 1/4, SECTION 19; NW 1/4 NW 1/4, NW 1/4 SW 1/4, SECTION 20; NW 1/4 NW 1/4, SECTION 29, T15S, R4W, W.M.; WELL #17 - 4215 FEET SOUTH AND 1525 FEET WEST; WELL #19 - 5000 FEET SOUTH AND 1525 FEET WEST, BOTH FROM THE NORTHEAST CORNER OF SECTION 19, T15S, R4W, W.M.; WELL #23 - SOUTH 76 DEGREES 44 MINUTES WEST 4492 FEET; WELL #21 - SOUTH 48 DEGREES 8 MINUTES 41 SECONDS WEST 5846 FEET, BOTH FROM THE NORTHEAST CORNER OF SECTION 20, T15S, R4W, W.M.; WELL #15 - 6200 FEET SOUTH AND 1050 FEET WEST OF THE NORTHEAST CORNER OF DLC 57

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 (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE 1/4 NE 1/4		9.33 ACRES
NE 1/4 SE 1/4		17.76 ACRES
SE 1/4 SE 1/4	18.10 ACRES	
	SECTION 19	
NE 1/4 NW 1/4		19.77 ACRES
NW 1/4 NW 1/4	9.70 ACRES	
SW 1/4 NW 1/4	6.62 ACRES	9.58 ACRES

SE 1/4 NW 1/4	20.29 ACRES
NE 1/4 SW 1/4	2.00 ACRES
NW 1/4 SW 1/4	33.40 ACRES
SW 1/4 SW 1/4	2.60 ACRES
SE 1/4 SW 1/4	37.40 ACRES
	40.00 ACRES

SECTION 20

NE 1/4 NE 1/4	1.70 ACRES
NW 1/4 NE 1/4	1.70 ACRES

SECTION 30

TOWNSHIP 15 SOUTH, RANGE 4 WEST, W.M.

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.

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.

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

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 to the satisfaction of the Oregon Department of Fish & Wildlife.

The use may be restricted if the quality of the source stream, namely the Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

Limited Water Level Decline/Interference Condition

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report

annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All water level measurements shall be made by a qualified individual. Qualified individuals include certified water rights examiners, licensed water well drillers, registered geologists, registered professional engineers, registered land surveyors, licensed well constructor, pump installer licensed by the Construction Contractors Board, or the permittee/appropriator. Measurements must be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/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 water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

The wells 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.

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

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.

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.

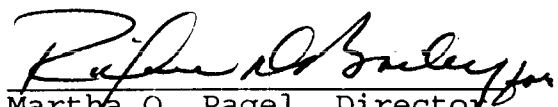
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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.

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Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued this date, November ~~29~~, 1996



Martha O. Pagel, Director
Water Resources Department