

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CASCADE WEST TREES INC. , KURT A. SACHER  
162 SILVER FALL DRIVE  
SILVERTON, OREGON 97381

PHONE: (503) 873-7244

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

APPLICATION FILE NUMBER: G-14510

SOURCE OF WATER: THREE WELLS IN POWERS CREEK BASIN

PURPOSE OR USE: IRRIGATION AND AGRICULTURAL USE FOR NURSERY OPERATIONS  
ON 13.9 ACRES

MAXIMUM RATE: 0.078 CUBIC FOOT PER SECOND, BEING 0.0334 CFS FROM WELL 1,  
0.0334 CFS FROM WELL 2, AND 0.0111 CFS FROM WELL 3

PERIOD OF USE: WELLS 1 AND 2: MARCH 1 THROUGH APRIL 30 FOR IRRIGATION  
USE AND DECEMBER 1 THROUGH APRIL 30 FOR AGRICULTURAL USE; WELL 3: MARCH  
1 THROUGH OCTOBER 31 FOR IRRIGATION AND YEAR ROUND FOR AGRICULTURAL USE

DATE OF PRIORITY: MAY 1, 1997

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SECTION 26, T7S, R1E, W.M.;  
WELL 1 - 1175 FEET NORTH & 930 FEET EAST, WELL 2 - 680 FEET NORTH & 920  
FEET EAST, AND WELL 3 - 960 FEET NORTH & 1220 FEET EAST ALL FROM SW  
CORNER, SECTION 26

The amount of water used for 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 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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 13.9 ACRES  
SECTION 26  
TOWNSHIP 7 SOUTH, RANGE 1 EAST, W.M.

Application G-14510 Water Resources Department

PERMIT G-13333

**Measurement, recording and reporting conditions:**

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. 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 may be restricted if the quality of the source stream or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

**Limited Water Level Decline/Interference Condition**

To monitor the effect of water use from well 3 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 measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and 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 3 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 15 or more feet; or
- (D) Hydraulic interference leading to a decline of 15 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.

Actual construction of the well shall begin within one year from permit issuance. Complete application of water to the use shall be made on or before October 1, 2002.

Issued February 25, 1998

  
Martha O. Pagel, Director  
Water Resources Department

Application G-14510  
Basin 02  
LKS- WEEK 119

Water Resources Department  
Volume 14A POWERS CREEK  
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PERMIT G-13333  
District 16