

STATE OF OREGON

COUNTY OF LINN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

STEVE GLASER FARM, INC.;
G-4 LIMITED PARTNERSHIP
PO BOX 257
TANGENT, OREGON 97389

(503)928-7739

This superseding permit is issued to describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-11494 and approved by Special Order Vol. 91, Page 382, entered Sept 24, 2013, Permit Amendment T-7977 approved May 20, 1998, and to describe extensions of time for complete application of water approved September 18, 2000 and June 30, 2013. This permit supersedes Permit G-12686.

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-14143

SOURCE OF WATER: WELL #1, WELL #2, WELL #3, AND WELL #4 LOCATED IN THE CALAPOOIA RIVER BASIN, WITHIN THE WILLAMETTE BASIN

PURPOSE OR USE: IRRIGATION OF 271.0 ACRES AND AGRICULTURAL USE (NURSERY OPERATIONS) ON 20.0 ACRES

MAXIMUM RATE: 6.14 CUBIC FEET PER SECOND (CFS), BEING 3.14 CFS FOR IRRIGATION, BEING 1.46 CFS FROM WELL #2 FOR IRRIGATION OF 117.0 ACRES WITH ANY DEFICIENCY TO BE MADE UP BY WELL #1 AND 1.68 CFS FROM WELL #3 FOR IRRIGATION OF 134.0 ACRES, AND 3.0 CFS FROM WELL #3 FOR AGRICULTURAL USE AND IRRIGATION (NURSERY OPERATIONS) ON 20.0 ACRES, THE COMBINED MAXIMUM RATE FOR WELL #3 SHALL NOT EXCEED 3.0 CFS

PERIOD OF USE: IRRIGATION OF 271.0 ACRES FROM MARCH 1 THROUGH OCTOBER 31 AND AGRICULTURAL USE (NURSERY OPERATIONS) ON 20.0 ACRES YEAR ROUND

DATE OF PRIORITY: AUGUST 1, 1995

POINT OF DIVERSION LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	3 W	WM	7	NE SW	WELL 1 - 110 FEET SOUTH AND 1900 FEET EAST FROM THE W¼ CORNER OF SECTION 7
12 S	3 W	WM	8	SW NW	WELL 2 - 240 FEET NORTH AND 225 FEET EAST FROM THE W¼ CORNER OF SECTION 8
12 S	3 W	WM	5	NE SE	WELL 3 - 2250 FEET NORTH AND 1350 FEET EAST FROM THE S¼ CORNER OF SECTION 5
12 S	3 W	WM	5	NE SE	WELL 4 - 1940 FEET NORTH AND 1350 FEET EAST FROM THE S¼ CORNER OF SECTION 5

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 any time 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:

IRRIGATION					
WELLS 3 AND 4					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	3 W	WM	5	NE SE	38.0
12 S	3 W	WM	5	SE SE	39.0
12 S	3 W	WM	8	NE NE	39.0
12 S	3 W	WM	8	SE NE	38.0

AGRICULTURE USE (NURSERY OPERATIONS)					
WELLS 3 AND 4					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	3 W	WM	5	NE SE	20.0

IRRIGATION					
WELLS 1, 2, AND 4					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	3 W	WM	7	SW NE	11.0
12 S	3 W	WM	7	SE NE	16.5
12 S	3 W	WM	7	NE SE	30.0
12 S	3 W	WM	7	NW SE	12.2
12 S	3 W	WM	8	SW NW	18.0
12 S	3 W	WM	8	NW SW	29.3

Permit Amendment T-9799 Conditions

The combined quantity of water diverted at Wells 1 and 2, together with that diverted at the old points of appropriation, Wells 1 and 2, shall not exceed the quantity of water lawfully available at the original points of appropriation, Wells 1 and 2.

Water shall be acquired from the same aquifer as the original points of appropriation.

Permit Amendment T-11494 Conditions

The combined quantity of water diverted at Well 4, together with that diverted at the old points of appropriation, Wells 1, 2, and 3, shall not exceed the quantity of water lawfully available at the original points of appropriation Wells 1, 2, and 3.

Water shall be acquired from the same aquifer as the original points of appropriation.

Measurement, recording and reporting conditions for Well #1 and Well #2:

- 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.

Measurement, recording and reporting conditions for Well #3 and Well #4:

- 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.

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 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 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.

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Technical Review, Initial Review or Proposed Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

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.

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.

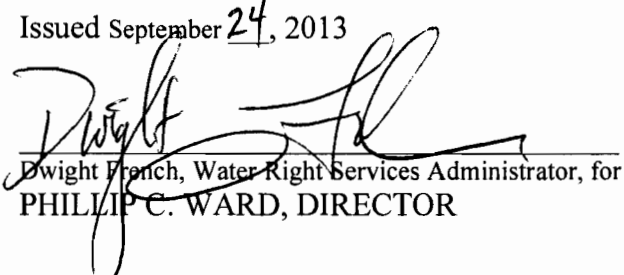
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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, and shall be completed on or before October 1, 2013. Complete application of the water to the use shall be made on or before October 1, 2013.

Issued September 24, 2013


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR