

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 MILLER PONDS, CONSTRUCTED UNDER APPLICATION R-72402, PERMIT R-11478, a tributary of SIDNEY DITCH, for AGRICULTURAL USE ON 110.0 ACRES, IRRIGATION OF 70.0 ACRES, AND SUPPLEMENTAL IRRIGATION OF 40.0 ACRES.

This permit is issued approving Application 72403. 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 from live flow and 8.75 ACRE-FEET of water stored in Miller Ponds, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NW 1/4 NW 1/4, SECTION 27, T 9 S, R 3 W, W.M.; 550 FEET SOUTH AND 750 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. Irrigation from live flow may occur March 1 through June 30; AGRICULTURAL USE (nursery operations) from live flow may occur September 1 through June 30. **Stored water may be used at anytime.**

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

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

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE 1/4 SE 1/4 SECTION 21		8.4 ACRES
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	11.7 ACRES	8.4 ACRES
SW 1/4 SW 1/4	17.9 ACRES	20.9 ACRES
SE 1/4 SW 1/4	2.1 ACRES	
SECTION 22		
NW 1/4 NW 1/4	7.6 ACRES	1.4 ACRES
SECTION 27		
NE 1/4 NE 1/4		0.9 ACRE
SECTION 28		
TOWNSHIP 9 SOUTH, RANGE 3 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.
- 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.

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

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 to the use shall be made on or before October 1, 1996.

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 allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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, March 14, 1994.

/s/ A. REED MARBUT

Water Resources Department  
Martha O. Pagel  
Director