

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RAY KLUPENGER  
KLUPENGER NURSERY & GREENHOUSES, INC.  
24075 KLUPENGER RD NE  
AURORA, OREGON 97002

(503) 678-5838

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

APPLICATION FILE NUMBER: S-80145

SOURCE OF WATER: WILLAMETTE RIVER, A TRIBUTARY OF COLUMBIA RIVER, AND WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-1625 AND R-5363, TRIBUTARIES OF WILLAMETTE RIVER

PURPOSE OR USE: AGRICULTURAL USE ON 57.6 ACRES, PRIMARY IRRIGATION OF 1.6 ACRES, AND SUPPLEMENTAL IRRIGATION OF 56.0 ACRES

RATE/VOLUME: 1.11 CUBIC FEET PER SECOND OF LIVE FLOW FOR AGRICULTURAL USE, AND 288.0 ACRE-FEET PER YEAR STORED WATER ONLY FOR IRRIGATION

PERIOD OF ALLOWED USE: YEAR-ROUND FOR AGRICULTURAL USE; MARCH 1 THROUGH OCTOBER 31, OR AS MAY BE FURTHER LIMITED BY THE BUREAU OF RECLAMATION WATER SUPPLY CONTRACT, FOR IRRIGATION

DATE OF PRIORITY: MARCH 30, 1995

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 28, T 3 S, R 1 W, W.M.; 8 FEET EAST & 100 FEET NORTH OF A POINT LOCATED SOUTH 74° 29' 20" WEST 426.29 FEET FROM THE NE CORNER OF ANSON CONE DLC 48

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>	<u>AGRICULTURAL</u>
NE 1/4 SW 1/4	1.6 ACRES		1.6 ACRES
	SECTION 28		
SW 1/4 NE 1/4		40.0 ACRES	40.0 ACRES
SE 1/4 NW 1/4		16.0 ACRES	16.0 ACRES
	SECTION 33		
	TOWNSHIP 3 SOUTH, RANGE 1 WEST, W.M.		

ASSIGNED. See Misc. Rec. Vol.

8 301

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Water Resources Department

PERMIT 52747

## 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.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

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 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.

The use of water under this right is subject to the terms and conditions of Contract No. 6-07-10-W1110, or a satisfactory replacement, between the Bureau of Reclamation and the applicant. A copy of which is on file in the records of the Water Resources Department.

## STANDARD CONDITIONS

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

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 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 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 September 11, 1996



Martha O. Page, Director  
Water Resources Department

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