

STATE OF OREGON

COUNTY OF BENTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROLFE HAGEN
20546 ALSEA HWY
ALSEA, OREGON 97324

PHONE: (541) 487-8671

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

APPLICATION FILE NUMBER: S-81191

SOURCE OF WATER: CROOKED CREEK AND GARLAND CREEK, TRIBUTARIES OF NORTH FORK ALSEA RIVER

PURPOSE OR USE: IRRIGATION (IRRIGATION OF 3.1 ACRES AND NURSERY OPERATIONS (GREENHOUSE) ON 0.08 ACRE)

MAXIMUM RATE/VOLUME ALLOWED: 0.043 CUBIC FOOT PER SECOND (CFS), BEING 0.039 CFS FROM CROOKED CREEK FOR IRRIGATION OF 3.1 ACRES AND 0.004 CFS FROM GARLAND CREEK FOR NURSERY OPERATIONS ON 0.08 ACRE

PERIOD OF USE: MARCH 1 THROUGH MAY 31 AND JULY 1 THROUGH JULY 31 FOR IRRIGATION OF 3.1 ACRES; DECEMBER 1 THROUGH MAY 31 AND JULY 1 THROUGH JULY 31 FOR NURSERY OPERATIONS ON 0.08 ACRE

DATE OF PRIORITY: JUNE 3, 1996

POINT OF DIVERSION LOCATIONS: NE 1/4 SE 1/4, SECTION 21, NW 1/4 SW 1/4, SECTION 22, T13S, R7W, W.M.; POD #1 - 560 FEET SOUTH AND 425 FEET WEST; POD #2 - 500 FEET SOUTH AND 945 FEET EAST, BOTH FROM THE E 1/4 OF SECTION 21

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:

	IRRIGATION	NURSERY
SE 1/4 NE 1/4	0.23 ACRE	
NE 1/4 SE 1/4	2.87 ACRES	0.08 ACRE
SECTION 21		
TOWNSHIP 13 SOUTH, RANGE 7 WEST, W.M.		

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 permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided. The applicant is hereby directed to contact a ODFW Fish Passage Program coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

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 screen is to be in place and functional prior to diversion of any water.

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.

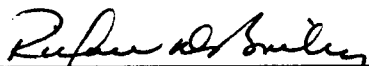
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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. Complete application of water to the use shall be made on or before October 1, 2001.

Issued October 21, 1997



Martha O. Pagel, Director
Water Resources Department