

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HAROLD M. MILLER
PO BOX 989
JEFFERSON, OREGON 97352 -0989

(503)399-1599

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

APPLICATION FILE NUMBER: S-81980

SOURCE OF WATER: NORTH SANTIAM RIVER, A TRIBUTARY OF SANTIAM RIVER

PURPOSE OR USE: NURSERY OPERATIONS ON 110.0 ACRES

MAXIMUM RATE ALLOWED: 1.38 CUBIC FOOT PER SECOND

PERIOD OF USE: OCTOBER 1 THROUGH JUNE 30

DATE OF PRIORITY: FEBRUARY 19, 1997

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, SECTION 34, T9S, R2W, W.M.;
50 FEET NORTH AND 1930 FEET WEST FROM E1/4 CORNER, SECTION 34

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:

SE 1/4 SE 1/4	8.4 ACRES
SECTION 21	
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	20.1 ACRES
SW 1/4 SW 1/4	38.8 ACRES
SE 1/4 SW 1/4	2.1 ACRES
SECTION 22	

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NW 1/4 NW 1/4 9.0 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.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

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.

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.

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.

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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 by June 22, 1999. Complete application of water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued August 12, 1998



Martha O. Pagel, Director
Water Resources Department

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Basin 02 Volume 8 N SANTIAM R
RWK MGMT.CODE 3EW

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District 16