

**STATE OF OREGON WATER RESOURCES DEPARTMENT**

**Application for Permit to Appropriate Surface Water**

OCT 20 1987  
WATER RESOURCES DEPT.  
SALEM, OREGON

I, State of Oregon - Department of Forestry  
(Name of Applicant)

of Box 2424 Wells Road, Elkton  
(Mailing Address) (City)

State of Oregon, 97436 Phone No. (503) 584-2214 do hereby  
(Zip Code)

make application for a permit to appropriate the following described waters of the State of Oregon: 12/5/87

1. The source of the proposed appropriation is Umpqua River and Galesville Reservoir ~~or Barry~~

Creek Res. <sup>MAB</sup>, a tributary of Pacific Ocean

2. The point of diversion is to be located #1-324.45' N. 2164.25' W.  
#2-251.99 ft S. and 476.49 ft W.  
#3- 11.9' N. (N. or S.) 37.5 W. (E. or W.)

from the Section Corner Common to Sections 1, 2, 11, & 12  
corner of Section Corner Common to Sections 1, 2, 11, & 12  
of Meander Corner of Sections 11 & 12  
(Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

(Galesville Reservoir (dam) within SW 1/4 NE 1/4 of Sec 28, T. 31 S., R. 4 W., W.M.)

being within the #1 - SW SE  
#2 - NE 1/4 of the NE 1/4  
#3 - NE NE  
Sec. 2 Tp. 23S. R. 8W., W. M., in the county of Douglas  
11 23S. (N. or S.) 8W. (E. or W.)  
11

3. Location of area to be irrigated, or place of use if other than irrigation.

Township	Range	Section	List 1/4 1/4 of Section	List use and/or number of acres to be irrigated
23	8W.	2	SW 1/4 NE 1/4	3.5 acres irrigation *
			NE 1/4 NW 1/4	15.6 acres irrigation *
			SE 1/4 NW 1/4	35.10 acres irrigation *
			NE 1/4 SW 1/4	31.10 acres irrigation *
			SE 1/4 SW 1/4	2.4 acres irrigation *
			NE 1/4 SE 1/4	5.6 acres irrigation *
			NW 1/4 SE 1/4	31.0 acres irrigation *
			SW 1/4 SE 1/4	25.4 acres irrigation *
23	8W	1	SE 1/4 SE 1/4	31.8 acres irrigation *
			SW 1/4 SW 1/4	34.0 acres irrigation *
			NW 1/4 SW 1/4	2.2 acres irrigation *
			SE 1/4 SW 1/4	2.0 acres irrigation *
			NE 1/4 NE 1/4	1.5 acres irrigation *
		12	NW 1/4 NW 1/4	13.2 acres irrigation *

Form 690-1-0-1-77

\*Use also includes temperature control, fertilization, pesticide applications, harvesting, transplanting, root culture and dust abatement in the above locations.  
Out-of-season irrigation during the period October 1 to March 31 each year. <sup>MAB</sup>

4. The amount of water which the applicant intends to apply to beneficial use is ..... 6.0 .....

cubic feet per second.....from all three diversion points.....

(If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is .....(Commercial Nursery Use) Related.....

Nursery use to include such uses as listed under Item 3

6.

**DESCRIPTION OF WORKS**

*Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.*

The attached map describes the size and lengths of the underground piping system. Supply water for this system is taken from the Umpqua River at the three diversion points listed in Item 2 above. Diversion point 11.9' N and 37.5' W of Meander corner is a permanent installation which pumps water supplied through a 24" culvert from the river to the surface and then through a 50 hp irrigation pump to the system. The other two diversion points are used seasonally with a 50 hp pump installed each spring at each location.

Water is applied to the crop with a combination of rotating impact sprinklers on a variety of different spacings, for example, for temperature control 3/32" nozzles are used on 1/2" impact sprinklers spaced at 38' x 30'.

*If for domestic use state number of families to be supplied .....*

7. Construction work will begin on or before..... Completed .....

8. Construction work will be completed on or before..... Completed .....

9. The water will be completely applied to the proposed use on or before..... Completed .....

Application No. .... 69398 .....

Permit No. .... .....

Remarks:.....  
.....  
.....  
.....  
.....  
.....  
.....

This permit, when issued, is for the beneficial use of water. 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. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

*Michael G. Boudelon*  
Signature of Applicant  
*Tree Improvement Director - Oregon*  
*State Dept. of Forestry*

*This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for.....*

*In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before ....., 19.....*

*WITNESS my hand this ..... day of....., 19.....*

..... *Water Resources Director*

By .....

*This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the*  
*7<sup>th</sup>* day of *October*, 19 *87*, at *4:52* o'clock  
*P.M.*

Application No. *69398*

Permit No. ....

Application No. 69398

Permit No. ....

### Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 6.0 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Umpqua River and Galesville Reservoir constructed under Appl. R-61641 - Permit R-9969

The use to which this water is to be applied is Related nursery uses to include irrigation during the period October 1 through March 31 of each year when water can be put to beneficial use for immediate crop

If for irrigation, this appropriation shall be limited to 1/80 of one cubic foot per second or its equivalent for each acre irrigated 2 1/2

growth or to raise the soil moisture content to be utilized by plant growth and to include use for temperature control, fertilization, pesticide applications, harvesting, transplanting, root culture and dust abatement

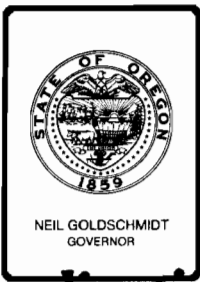
and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is October 7, 1987

Actual construction work shall begin on or before ..... and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....

Complete application of the water to the proposed use shall be made on or before October 1, 19.....

WITNESS my hand this ..... day of....., 19.....



*Forestry Department*

**OFFICE OF STATE FORESTER**

2600 STATE STREET, SALEM, OREGON 97310 PHONE 378-2560

**RECEIVED**  
OCT 7 1987  
WATER RESOURCES DEPT  
SALEM, OREGON

**Application No. 69398**  
**Permit No.**

October 8, 1987

Mr. Bill Young, Director  
Water Resources Department  
3850 Portland Road NE  
Salem, OR 97310

Dear Bill,

As you know, the D. L. Phipps Forest Nursery and other tree seedling producers using surface water from the Umpqua basin are facing a crisis situation this fall.

The Oregon State Department of Forestry has applied for a commercial nursery permit (69398) and would ask that the traditional 30-day waiting period be waived due to exceptional circumstances.

The production of tree seedlings for reforestation projects has taken on a new meaning this year as re-planting of fire areas in southwest Oregon is planned to commence next spring. The extreme statewide shortage of available trees for re-planting burned areas has certainly increased the value of this stock above calculated growing costs. Inability to irrigate approximately 15 million trees at our nursery will result in a \$4 million loss to the Department of Forestry. Unfortunately, we have no adequate alternative to provide water, and the current weather patterns do not look favorable.

In the event that stream flow drops below minimum levels, as is expected by October 15, a more complicated scenario of priority irrigation may result. We would urge that a quantitative assessment of value loss be used in conjunction with established procedures (i.e., first-in-time, first-in-right).

Our forest nursery and other tree seedling growers in southwestern Oregon have tremendous economic values to protect. Not only do we lose non-replaceable planting stock for the next three years, but will be forced to allow thousands of acres of "burn" to return to brush, not trees. This loss, in economic and social terms, is hundreds of times greater than the dollars we stand to lose at forest nurseries.

We urge you to consider forest tree seedling production as a high priority for surface water allocation.

Please contact me if you need any assistance.

Sincerely,

*Tom*

Thomas W. Lane  
Deputy State Forester

MAB/TWL/11e



DOUGLAS  
COUNTY

## WATER RESOURCES SURVEY

Room 103 - Justice Building - Roseburg, Oregon 97470  
Telephone (503) 440-4255

**RECEIVED**

OCT 15 1987

**WATER RESOURCES DEPT.  
SALEM, OREGON**

October 13, 1987

Larry Jebousek  
Water Resources Department  
3850 Portland Road N.E.  
Salem, Oregon 97310

Dear Larry:

Enclosed are copies of the Agreement to purchase Galesville water for Oregon Department of Forestry and International Paper for their use of water outside the irrigation season.

If you have any questions please do not hesitate to contact me.

Yours truly,

M. John Youngquist  
Project Administrator

emy  
encls. as stated

**CERTIFICATE AND ORDER**  
for  
**FILING ADMINISTRATIVE RULES**  
**WITH THE SECRETARY OF STATE**

**FILED**  
OCT 09 1987  
BARBARA ROBERTS  
SECRETARY OF STATE

I HEREBY CERTIFY that the attached copy is a true, full and correct copy of rule(s) adopted by the Water Resources Commission  
(Agency)  
on October 9, 1987 to become effective October 9, 1987  
(Date) (Date)

The within matter having come before the Water Resources Commission  
(Agency)  
after all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises.

Notice of Intended Action Published in OAR Bulletin:  
No  Yes  Date: \_\_\_\_\_

NOW THEREFORE, IT IS HEREBY ORDERED THAT the following action be taken:

(List Rule Number(s) or Rule Title on Appropriate Lines Below)  
Perm.  or Temp.

Adopted:  
(New Rules) OAR 690-11-081

Amended:  
(Existing Rules) \_\_\_\_\_

Suspended:  
(Temporary Only) \_\_\_\_\_

Repealed:  
(Existing Rules) \_\_\_\_\_

as Administrative Rules of the Water Resources Commission and the Water Resources Department  
(Agency)

DATED this 9th day of October

By: [Signature]  
(Authorized Signer)

Title: Chairman, Water Resources Commission

Statutory Authority: ORS 183.335(5) and 537.190(1)

Subject Matter: Temporary, conditional approval of an application to use water during emergency created by drought conditions.

Statement of Need Attached:  Fiscal Impact Attached:   
For Further Information Contact: Jim Carver Phone: 378-3066

## TEMPORARY RULE

690-11-081 It is in the public interest to provide a method for meeting emergency requirements for water use created by drought conditions.

(1) When, because of drought conditions, inability to apply water on a short-term basis threatens the availability of essential services or resources, including long-term economic resources and jeopardizes the health and welfare of the people of Oregon, the Director may conditionally approve an application so as to allow immediate use of water for a period not to exceed 45 days, notwithstanding OAR 690-11-080.

(2) Use under a conditional approval is subject to all prior rights and minimum streamflows and any conditions the Director finds appropriate.

(3) Following such conditional approval, the application must be processed promptly in accordance with OAR 690, Division 11 to allow opportunity for public comment or protest, and full consideration of the proposed use. Notwithstanding prior conditional approval by the Director, the application may be denied, approved, or approved with conditions as a result of review.





RECEIVED

I-87-66A

A#69398

NOV 2 1987

WATER RESOURCES DEPT.  
SALEM, OREGON  
AGREEMENT FOR PURCHASE OF  
AGRICULTURAL WATER  
GALESVILLE PROJECT

AGREEMENT made this 12th day of October, 1987, between DOUGLAS COUNTY, a political subdivision of the State of Oregon, (County,) and OREGON DEPARTMENT OF FORESTRY/ D.L. Phipps Nursery, (Customer.)

COUNTY AND CUSTOMER AGREE:

1. Water Allocation: Each year during the term of this agreement, County shall allocate sufficient acre feet of storage capacity in the Galesville Reservoir for Customer to irrigate 234 acres. For this allocation customer shall pay the sum of \$ 375.00 per year as provided in Paragraph 4.

2. Release of Water: Subject to the provisions of this agreement, County will release into the natural channel of Cow Creek water comprising the allocation described in Paragraph 1.

2.1 Water released because of Customer's allocation shall be measured by the County at the outlet works of the Galesville Dam with equipment installed and maintained by the County.

2.2 Customer shall obtain and pay for any permit necessary including any permit from the Water Resource Division, State of Oregon, for use of the water allocated under this agreement.

2.3 The obligations of the County to allocate capacity may be limited by any lawful order, regulation or ruling of any governmental agency or contractual provisions between County and the United States, through its Bureau of Reclamation, which may impair or make it impossible or impracticable for the County to perform any one or more of its obligations under this agreement. In such case, County shall be relieved of its obligations to the extent made necessary by such order, regulation, ruling or contractual provision. To the extent the allocation for Customer is diminished because of such order, regulation, ruling or contractual provision, Customer's payment obligation shall be pro rata diminished.

3. Term and Renewal:

3.1 The initial term of this agreement shall commence on the date first written above and end on December 31, 1996, unless it is sooner terminated as provided elsewhere in this agreement. "Term" or "term of this agreement" means both the initial term and any renewal term, unless it is clearly indicated otherwise. Customer may terminate this agreement upon giving six months notice to County.

3.2 Customer shall have the right to renew this agreement for three successive terms of ten years each, as follows:

a. Customer shall not be in default of any of the provisions of this agreement.

b. Each of the renewal terms shall commence on the day following the date of termination of the preceding term.

c. Approximately ninety days prior to the last day of the expiring term County shall notify Customer in writing that Customer may renew this agreement. The renewal may be exercised by written notice to County given not more than 60 days after written notice by County. The giving of such notice shall be sufficient to make the agreement binding for the renewal term without further act of the parties.

The terms and conditions of the agreement for each renewal term shall be identical with the original term except for the purchase price of the allocation. The allocation price for each renewal term shall be set by the Board of Commissioners except that in no case shall the price be increased by more than 10% over the previous term.

3.3 Customer shall have the right to renew this agreement beyond the three successive terms described in Paragraph 3.2 for successive terms of ten years each, as follows:

a. Customer shall not be in default of any of the provisions of this agreement.

b. Each of the renewal terms shall commence on the day following the date of termination of the preceding term.

c. Approximately ninety days prior to the last day of the expiring term County shall notify Customer in writing that Customer may renew this agreement. The renewal may be exercised by written notice to County given not more than 60 days after written notice by County. The giving of such notice shall be sufficient to make the agreement binding for the renewal term without further act of the parties.

The terms and conditions of the agreement for each renewal term shall be identical with the original term except for the purchase price of the allocation.

d. The allocation price for the renewal terms under this Paragraph 3.3 shall be the then current market value of the water as agreed upon by the parties.

e. If the parties cannot reach an agreement concerning market value then they shall select an arbitrator to decide the matter. If the parties cannot agree upon an arbitrator within 20 days of the notice given in Paragraph 3.3 c., then either party may by written notice to the other, appoint an arbitrator. Within ten days after the giving of such notice the other party shall by written notice to the former appoint another arbitrator, and in default of such second appointment the arbitrator first appointed shall be sole arbitrator. When two arbitrators have been appointed they shall, if possible, choose a third arbitrator and give written notice of their choice to both parties. If the two arbitrators do not agree on a third arbitrator within fifteen

days after the second arbitrator is appointed then either party may petition a court of competent jurisdiction to appoint the third arbitrator. Upon selection of an arbitrator the arbitrator shall, (or, if the parties cannot agree upon an arbitrator then upon appointment of the third arbitrator the three arbitrators shall meet, and) give opportunities to County and Customer to present its case and witnesses, if any, in the presence of each other, and then shall make a decision regarding the current market value. If three arbitrators are used the decision of the majority of the arbitrators shall be binding upon the parties. Such award shall include the fixing of the expense of the arbitration and assessment of the same against either or both parties.

#### **4. Purchase and Diversion of Water.**

4.1 Customer agrees to pay the sum specified in Paragraph 1 each year for the allocation of storage capacity by County. This sum shall be due and payable prior to March 31 of each year whether or not Customer uses any or all of the quantity of water specified. Interest shall accrue on late payments at the rate of eighteen percent per annum commencing March 15 of each year. If this contract is dated after March 2 in the year for which water is first to be released then the amount due for the first year only shall be payable within 30 days and interest shall accrue commencing on the 31st day. In no case shall County be required to allocate or release water for Customer if payment has not been made.

4.2 The point(s) of diversion of the water by Customer shall be as described in the permit obtained from Water Resources Division, State of Oregon.

4.3 The Customer shall be wholly responsible for taking, diverting, conveying and utilizing its water and shall bear all losses from the point where released by the County.

4.4 The Customer shall divert the water it is entitled to receive under this contract in accordance with schedules developed by the Customer and the County.

4.5 The water diverted by Customer may be measured by County at the point of diversion. The point of diversion shall be accessible for inspection and measurement of water at all reasonable times by the Douglas County Water Resources Coordinator or his designee. Any easement necessary for County to gain access to the point of diversion shall be provided by Customer when requested by County.

4.6 The water shall be used by Customer for agricultural uses only and only on the property described in permit obtained from Water Resources Division, State of Oregon. Under no circumstances shall any of the water be used or become appurtenant to any other property or other purpose or other than in accordance with the Permit and Certificate.

**5. Quality and Quantity of Water.**

5.1 No liability shall accrue against the County arising by reason of shortages in the quantity of water available or interruptions in water deliveries to the Customer resulting from hostile diversion, an accident to or failure of County facilities or from any cause beyond County's control, including, without limitation, war or acts of God.

5.2 The operation and maintenance of the Galesville Reservoir shall be performed in such a manner as is practicable to maintain the quality of raw water made available through such facilities at the highest level reasonably obtainable as determined by the Water Resources Coordinator. The County does not warrant the quality of water and is under no obligation to construct or furnish water treatment facilities to maintain or better the quality of water.

5.3 In any year in which a water shortage in the reservoir occurs, the Water Resources Coordinator shall apportion the available water supply among the Customer and others entitled under then existing contracts to receive water from the reservoir. The quantity of water to be furnished for irrigation shall first be reduced as necessary, but not greater than 15%. Any further reduction in the reservoir water supply shall be shared among the Customer and all other entities receiving water from the Galesville reservoir in the proportion that the Customer's water entitlement under this contract bears to the total quantity of water under all water contracts.

6. Default: Time is of the essence of this agreement. There shall be a default under this agreement if either party fails to perform any act or obligation required of that party by this agreement within thirty days after the other party gives written notice specifying the nature of the breach with reasonable particularity. If the breach specified in the notice is of such a nature that it cannot be completely performed within the thirty day period, no default shall occur if the party receiving the notice begins performance of the act or obligation within the thirty day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable. If substantially the same breach for which notice was given recurs within six months, the party injured by such breach may declare a default by giving written notice to the other party specifying the nature of the breach.

7. Remedies: If a default occurs, the party damaged by the default may elect to terminate this agreement and pursue any equitable or legal rights and remedies available under Oregon law.

8. Assignment: Customer may not assign or subcontract its rights or obligation under this agreement without the written consent of County.

9. Notices: Any notice required to be given shall be in writing and shall may be given by personal delivery or by registered or certified mail, or by any other manner prescribed by law. Notices to County shall be addressed as follows: Water Resources Coordinator, Room 103, Justice Building, Roseburg, Oregon. Notices to Customer shall be addressed to the address listed under Customer's signature on page 5.

10. Budget Limitations: Notwithstanding any other provision of this agreement, County shall not be liable for any payment for which statutory appropriation pursuant to ORS 294.305 et seq. (Local Budget Law) has not been made, nor shall County be indebted or liable for any debt or liability created by this agreement in excess of the debt limitation of Art. XI, Section 10 of the Oregon Constitution.

11. Conservation: Customer understands the importance of water conservation in the Umpqua River basin and agrees to consult with County on the use of appropriate water conservation measures for agriculture and to implement such measures where feasible.

CUSTOMER  
Oregon Department of Forestry

BY Paul E. Meyer  
Its Manager

BY \_\_\_\_\_  
Its \_\_\_\_\_

Fed. ID# 93-6002375

ADDRESS OF CUSTOMER

2424 Wells Rd.  
Elkton, ON. 97436  
ph. 584-2214

BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY OREGON

BY John Youngquist  
Water Resources Coordinator  
By Order dated August 27, 1986

REVIEWED AS TO FORM

By Paul Nolta  
County Legal Counsel  
Date: 10-30-87

REVIEWED AS TO CONTENT

BY \_\_\_\_\_  
County Department Head  
Date: \_\_\_\_\_

July 5, 1991

OREGON DEPT OF FORESTRY  
BOX 2424 WELLS ROAD  
ELKTON OR 97436

REFERENCE: File 69398

This letter is in regard to your water use Permit 50154. As we pointed out to you in our letter of October 25, 1990, your claim of beneficial use must be received in this office by October 1, 1991.

Oregon Administrative Rule 690-14-190 states: "The claim of beneficial use shall be submitted to the Department within one year after the use was reported..as being complete...Failure to comply with this section shall cause the Director to initiate permit cancellation proceedings as provided by ORS 537.260."

The "claim" consists of a site report and map of the developed use prepared by a Certified Water Rights Examiner, which accompany a request from the permittee for issuance of a certificate of water right.

You are hereby notified that unless your claim is received on or before October 1, 1991, your permit will be canceled without further notice.

If you have any questions, please contact the Water Rights Section.

0685W

cc: Gary Ball, Water

CERTIFIED - RETURN RE

<input checked="" type="radio"/> <b>SENDER:</b> Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.	
1. <input type="checkbox"/> Show to whom delivered, date, and addressee's address.      2. <input type="checkbox"/> Restricted Delivery (Extra charge)	
3. Article Addressed to: OR Dept of Forestry Box 2424 Wells Rd Elkton OR 97436  69398 Wen	4. Article Number P 516413  Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature - Addressee X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X <i>R. Van Camp</i>	
7. Date of Delivery	



## *Water Resources Department*

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-2982

October 9, 1987

Thomas Lane  
Deputy State Forester  
Office of State Forestry  
2600 State Street  
Salem, OR 97310

### LETTER AUTHORIZATION CONDITIONAL APPROVAL - APPLICATION 69398

Dear Mr. Lane:

Pursuant to OAR 690-11-081, I have examined the Oregon Department of Forestry's Application No. 69398 for a commercial nursery water use, and the applicants request for permission to use water immediately under that application. I find that drought conditions have jeopardized the approximately 15 million trees at the D.L. Phipps Nursery. Unless the Department of Forestry is able to apply water within the next 24 to 48 hours, conditions will result in up to a 4 million dollar loss and loss of planting stock which cannot be replaced for at least three years. The extreme statewide shortage of available trees for replanting fire areas in southwest Oregon would be made worse. Failure to reforest adequately would jeopardize the public welfare and resources of the State of Oregon.

The Department of Forestry is hereby authorized to appropriate the waters of the Umpqua River or to utilize stored water between 5:00 p.m. October 9, 1987 and 5:00 p.m. November 20, 1987 subject to the following limitations and conditions:

1. Water shall be diverted only at the points specified in Application 69398 and applied only on the lands designated in Application 69398, attached.
2. Permission to appropriate water under this conditional approval is limited to use for temperature control and irrigation necessary to prevent loss of or damage to existing nursery stock and shall in no event exceed a total of 6 cubic feet per second from all diversion points combined.
3. Diversion of water under this conditional approval is subject to all existing rights, permits and minimum streamflows.



Thomas Lane  
Deputy State Forester  
October 9, 1987  
page two

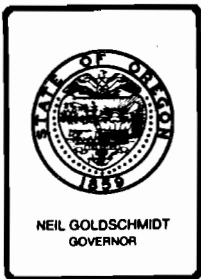
4. Use of water under this conditional approval shall not constitute a basis for any claim to an established right to use the waters of the state or to issuance of a permit to appropriate water. Notice will be given pursuant to OAR 690-11-080 and review of the application completed in accordance with OAR 690-11-010 to 690-11-080. Upon completion of that review the application may be denied, approved, or approved with conditions.
5. All use of water under of this conditional approval shall cease on or before 5:00 p.m. November 20, 1987.

Sincerely,

*William H. Young*

WILLIAM H. YOUNG  
Director

WHY:wpc  
1869E



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

January 14, 1988

State of Oregon, Department of Forestry  
Box 2424, Wells Road  
Elkton, OR 97436

REFERENCE: File 69398

ENCLOSED: Permit 50154

### PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY

Your permit has been recorded in this office, but you should hold the original permit as evidence of your water right. If the land is sold, an assignment to the new owner must be recorded in this office. Assignment blanks will be furnished upon request.

The permit fixes time limits for beginning of construction, completion of construction and complete application of water to beneficial use. The law requires that you begin actual construction within one year from the date of issuance of the permit or your right will be lost. The Water Resources Director is authorized to extend the time for completion of construction and for complete application of water upon proper showing, but has no authority to extend the time limit for beginning of construction.

Forms A, B and C may be attached for submitting (A) Notice of Beginning of Construction, (B) Notice of Completion of Construction and (C) Notice of Complete Application of Water. If your application has stated that construction has already been started, or that construction work is completed, or that complete application of water has been made, only the required forms will be attached.

If your project will require only a portable pumping plant and pipelines, the acquisition of such equipment will be considered construction.

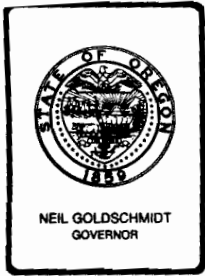
When complete application of water has been made, Form C should be submitted as the first step in proof of appropriation. When proof satisfactory to the Water Resources Director has been made, the right will be confirmed by issuance of a certificate. The certificate will limit the right to the extent that water has been applied to beneficial use in accordance with the terms of the permit.

The late summer flow in nearly all streams is required to satisfy existing rights. Your permit grants a right to use water only when there is a surplus in the source involved over and above that required to satisfy prior rights.

Sincerely,

*William H. Young*  
WILLIAM H. YOUNG  
Director

WHY:wpc  
enclosures  
0032B/2



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

October 25, 1990

State of Oregon, Department of Forestry  
Box 2424, Wells Road  
Elkton, Oregon 97436

REFERENCE: File 69398

The date for the complete application of water to a beneficial use for your water use permit 50154 was October 1, 1990. To date we have not received notice your project was completed.

If the project was completed, you should promptly submit the notice of complete application of water (form C, attached). If you were unable to complete the project within the time allowed, you may wish to request an extension of the time limits. Forms will be furnished upon request.

In order to obtain a certificate of water right, you are required by law to hire a certified water right examiner to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before October 1, 1991. A list of Certified Water Right Examiners is enclosed for your information.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

If you are no longer interested in the project, please let us know. We will provide forms for you to authorize the cancellation of the permit.

If you have any questions, please contact the Water Rights Section at 378-3739.

Enclosures

LHN:cam

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OCT 01 1991

Site Report and Claim of Beneficial Use

WATER RESOURCES DEP.  
SALEM, OREGON

State of Oregon  
Department of Forestry  
~~Box~~ 2424 Wells Road  
Elkton, Oregon 97450  
Tele: 584-2214 97436

Application #: 69398  
Permit #: 50154

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WATER RESOURCES DEPT.  
SALEM, OREGON

INFORMATION: I visited the site covered under this permit on September 11, 1991. Harry Brown showed me the diversion points and gave me a tour of the area covered and irrigated under the permit.

SOURCE: Umpqua River and Galesburg Reservoir

DIVERSION POINTS: The diversion points are being used to obtain water from the source. None of the diversion points have a metering device, but do have pressure gages.

DP #1: Pumps from a vertical 36"  $\phi$  CMP caisson located 20' from the edge of the river. The CMP makes a 90° bend at the bottom and extends out into the river and is fed by lateral extensions out into the water. Water is then pumped from the caisson to a settling basin located at the top of the river bank. From the settling tank, water is then pumped to the irrigation system.

Lift Pump: 30hp Cornell Cent. Sub.  
Tank to System Pump: 40hp Cornell Cent. model CDD 3x5

DP #2: Pumps directly from the river into the irrigation system.

50hp Cornell Cent. 4x3 CDD

DP #3: Same as DP #2. DP #3 is not used during the late summer due to the fall in the river level. Plans are to someday locate the pump intake farther out into the river.

LIFT: DP #1 lifts the water approx. 25' from the river to open discharge at the settling tank. Water is then lifted 0' to the land irrigated.

DP #2 and DP #3 lift the water approx. 25' from the river to the land irrigated.

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WATER RESOURCES DEP  
SALEM, OREGON

PIPE: DP #1: 6" aluminum pipe from the river to settling tank; 8" buried cast iron mainline to system.

DP #2 and #3: 8" aluminum from river to 8" buried PVC mainline.

All three pumps are tied together on the irrigation distribution system and can all operate at the same time.

Mainline Pipe: 8" PVC and CI  
6" PVC  
4" PVC

Laterals: 2" aluminum (approx. 40,000 lf)

HEADS: Approximately 980 sprinklers RB w/3/32"-- some 7/64"-- are used in the system. Operating pressure at the nozzle is 70 psi (est).

Water Pumped: (WR Formulas) @ 70psi

DP#1 (River to Settling Tank)

$$\frac{30 \text{ hp } (7.04)}{177.8 + 25' \text{ LIFT}} = 1.04 \text{ CFS}$$

(Settling Tank to System)

$$\frac{40 \text{ hp } (6.61)}{177.8 + 0'} = 1.49 \text{ CFS}$$

4<sup>3</sup>/<sub>4</sub> CFS  
REL  
2/5/96

DP#2:  $\frac{50 \times 6.6}{177.8 + 25'} = 1.63 \text{ CFS} \times 2 = 3.26 \text{ CFS}$   
§ DP#3

Total Water Pumped: 4.75 CFS

ACTUAL ↑

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WATER RESOURCES DEP.  
SALEM, OREGON

Sprinkler Heads @ 70 psi:

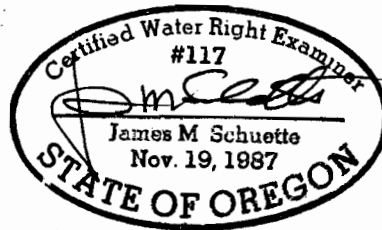
$$\frac{2.2 \text{ gpm} \times 980 \text{ heads}}{449 \text{ GPM/CFS}} = 4.8 \text{ CFS}$$

Permit: 234.4 acres irrigated @ 6.0 CFS

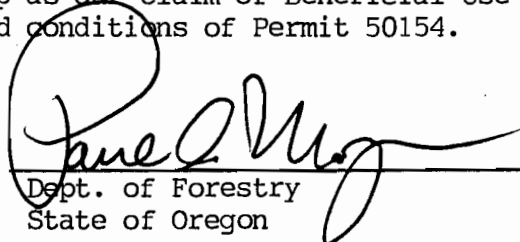
[REDACTED] [REDACTED] JMS

USES: Water is used for irrigation of Douglas Fir seedlings (0-3 years). In addition, some acreage is being rotated, depending on sales demand of the seedlings, and sugar beet seed, Poplar Transplants and ground cover crops.

The final proof survey and inspection of the use was found to be completed under the terms and conditions of Permit 50154. This final proof survey and inspection was completed by me on September 11, 1991, and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.



We, being the State of Oregon-Department of Forestry, agree to the findings of the Certified Water Rights Examiner and do submit this site report and map as our Claim of Beneficial Use of the water as provided under the terms and conditions of Permit 50154.

  
\_\_\_\_\_  
Dept. of Forestry  
State of Oregon