

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

J. FRANK SCHMIDT & SON CO.
PO BOX 189
BORING, OREGON 97009

503-663-4128

to use the waters of ONE WELL in the NORTH FORK DEEP CREEK BASIN for NURSERY OPERATIONS ON 375.0 ACRES.

This Permit is issued approving Application G-12070. The date of priority is APRIL 12, 1990. The use is limited to not more than 3.12 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 NW 1/4, SECTION 4, T 2 S, R 4 E, W.M.; 2590 FEET SOUTH AND 2620 FEET WEST FROM NE CORNER, SECTION 4.

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 at any time 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. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.

In the event of a request for a change in point of appropriation, an additional point of appropriation or repair of this well, the quantity of water allowed herein together with any other right from this point of appropriation shall not exceed the capacity of this well at the time of perfection of this right.

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 the permit is as follows:

NE 1/4 NE 1/4	16.2 ACRES
NW 1/4 NE 1/4	7.7 ACRES
NE 1/4 NW 1/4	25.4 ACRES
NW 1/4 NW 1/4	38.3 ACRES
SW 1/4 NW 1/4	37.8 ACRES
SE 1/4 NW 1/4	39.1 ACRES
SECTION 3	

SW 1/4 NE 1/4 3.8 ACRES
 NW 1/4 NW 1/4 23.8 ACRES
 SW 1/4 NW 1/4 20.3 ACRES
 SE 1/4 NW 1/4 29.8 ACRES
 NE 1/4 SW 1/4 38.0 ACRES
 NW 1/4 SW 1/4 13.0 ACRES
 SE 1/4 SW 1/4 6.2 ACRES
 NE 1/4 SE 1/4 7.2 ACRES
 NW 1/4 SE 1/4 22.0 ACRES
 SE 1/4 SE 1/4 21.7 ACRES

SECTION 4

NE 1/4 NE 1/4 24.7 ACRES
 SECTION 5

TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevations in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Actual construction work shall begin on or before SEPTEMBER 17, 1991, and shall be completed on or before October 1, 1992. Complete application of the water shall be made on or before October 1, 1993.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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 granted herein may be made only at times when sufficient water is available to satisfy all prior rights.

Issued this date, SEPTEMBER 17, 1990.

7s/ WILLIAM H. YOUNG

Water Resources Department
 William H. Young
 Director