

STATE OF OREGON  
COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

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

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

APPLICATION FILE NUMBER: G-13572

SOURCE OF WATER: WELL 5 IN THE JOHNSON CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 65.8 ACRES, SUPPLEMENTAL IRRIGATION OF 4.3 ACRES, AND AGRICULTURAL USE ON 121.9 ACRES

RATE OF USE: 3.05 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: YEAR AROUND

DATE OF PRIORITY: DECEMBER 9, 1993

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 28, T1S, R4E, W.M.; 2600 FEET NORTH AND 580 FEET WEST FROM THE SE 1/4 CORNER OF SECTION 28

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.

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THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>IRRIGATION</u>		<u>AGRICULTURAL</u>
	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>	<u>USE</u>
SW 1/4 NW 1/4	5.5 ACRES		5.5 ACRES
NW 1/4 SW 1/4			24.2 ACRES
SW 1/4 SW 1/4	8.2 ACRES		25.8 ACRES
	SECTION 27		
SW 1/4 NW 1/4	15.4 ACRES		15.4 ACRES
NW 1/4 SW 1/4	16.0 ACRES		16.0 ACRES
SE 1/4 SE 1/4	5.4 ACRES	3.4 ACRES	18.8 ACRES
	SECTION 28		
SE 1/4 NE 1/4	15.3 ACRES	0.9 ACRE	16.2 ACRES
	SECTION 29		
TOWNSHIP 1 SOUTH, RANGE 4 EAST, 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- 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.

Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:

- (a) An average water level decline of three or more feet per year for five consecutive years; or
- (b) A total water level decline of fifteen or more feet; or
- (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well.

(a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.

(b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.

(c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well driller, licensed pump installer, or the permittee/appropriator.

(d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.

(e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in this section.

Ground water for use under this permit shall be produced from a depth greater than 1116 feet below land surface.

#### STANDARD CONDITIONS

The wells 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 elevation in the well at all times.

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

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.

