

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LOEN NURSERY COMPANY  
18710 SW PACIFIC DR  
SHERWOOD, OREGON 97140

(503) 625-5454

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

APPLICATION FILE NUMBER: G-13890

SOURCE OF WATER: EIGHT WELLS IN TUALATIN RIVER BASIN

PURPOSE OR ALLOWED USE: AGRICULTURAL USE FOR NURSERY STOCK

RATE OF ALLOWED USE: 3.56 CUBIC FEET PER SECOND

THE PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 23, 1994

POINT OF DIVERSION LOCATION: WELL #A - NE 1/4 SW 1/4, 800 FEET SOUTH & 1760 FEET EAST; WELL #B - NE 1/4 SW 1/4, 770 FEET SOUTH & 2200 FEET EAST; WELL #C - NE 1/4 SW 1/4, 730 FEET SOUTH & 2380 FEET EAST; WELL #D - NE 1/4 SW 1/4, 950 FEET SOUTH & 1510 FEET EAST; WELL #E - NW 1/4 SW 1/4, 900 FEET SOUTH & 1290 FEET EAST; WELL #F - NE 1/4 SW 1/4, 600 FEET SOUTH & 1410 FEET EAST; WELL #G - NE 1/4 SW 1/4, 500 FEET SOUTH & 1870 FEET EAST; WELL #H - NE 1/4 SW 1/4, 440 FEET SOUTH & 2260 FEET EAST; ALL FROM THE W1/4 CORNER, SECTION 21, ALL LOCATED WITHIN SECTION 21, TOWNSHIP 2 SOUTH, 1 WEST, W.M.

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.

*Handwritten:* Amend T-2261 A p. 2

Application G-13890

Water Resources Department

PERMIT G-12326

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4 24.0 ACRES (PRIMARY & SUPPL AGRICULTURE)  
NW 1/4 SW 1/4 2.5 ACRES  
SECTION 21  
TOWNSHIP 2 SOUTH, RANGE 1 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, 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.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Prior to use of groundwater from wells listed on this permit, applicant must provide well reports that detail information which is sufficient to establish that a confined aquifer is developed. Groundwater production from any well listed on this permit may not be from the targeted basalt aquifer of the Sherwood-Dammasch-Wilsonville Groundwater Limited Area but more specifically only from the confined alluvial groundwater reservoir between approximately 100 feet and 300 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.

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 shall be limited when it interferes with any prior surface or ground water rights.

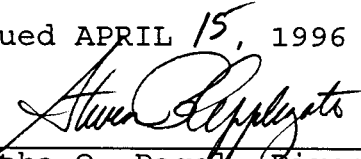
The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued APRIL 15, 1996

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for



Martha O. Pagel, Director  
Water Resources Department