

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HAPPY HOLLOW NURSERY, INC.  
C/O ALLEN W KRAXBERGER  
28292 S HWY 213  
MULINO, OREGON 97042

(503) 829-2789

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

APPLICATION FILE NUMBER: G-12936

SOURCE OF WATER: A WELL IN MOLALLA RIVER BASIN

PURPOSE OR USE: AGRICULTURAL USE AND IRRIGATION OF 15.7 ACRES

RATE OF USE: 0.39 CUBIC FOOT PER SECOND (CFS)

PERIOD OF USE: THE PERIOD OF ALLOWED USE FOR IRRIGATION IS MARCH 1 THROUGH OCTOBER 31. WATER FOR AGRICULTURAL USE MAY BE USED YEAR ROUND.

DATE OF PRIORITY: MAY 28, 1992 FOR 0.38 CFS, AND AUGUST 9, 1993 FOR 0.01 CFS

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SECTION 29, T4S, R2E, W.M.; 1520 FEET SOUTH & 1130 FEET EAST FROM MOST NORTHERLY CORNER OF DLC 41

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:

SW 1/4 SW 1/4 4.3 ACRES  
SE 1/4 SW 1/4 1.2 ACRES  
SECTION 29  
SE 1/4 NE 1/4 0.2 ACRE  
NE 1/4 SE 1/4 10.0 ACRES  
SECTION 30

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

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## 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 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.

This right is 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 alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

**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 water shall be made on or before October 1, 1999.

Issued March 18, 1996



for Water Resources Department  
Martha O. Pagel  
Director