

STATE OF OREGON
COUNTY OF UMATILLA

PLACED IN U.S. MAIL
NOV 8 1996
OREGON WATER RESOURCES DEPT.

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SCHICHTELS NURSERY
RT 2 BOX 69D
MILTON-FREEWATER, OREGON 97862

(541) 938-4556

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

APPLICATION FILE NUMBER: G-13852

SOURCE OF WATER: TWO WELLS IN PINE CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 45.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 194.2 ACRES

MAXIMUM RATE OF ALLOWED USE: 2.75 CUBIC FEET PER SECOND (CFS) FROM TWO WELLS, BEING 1.87 CFS FROM WELL #4 AND 0.88 CFS FROM WELL #5

THE PERIOD OF ALLOWED USE: THAT PERIOD WHEN NECESSARY FOR BENEFICIAL USE

DATE OF PRIORITY: OCTOBER 14, 1994

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, NE 1/4 SE 1/4, SECTION 29, T6N, R35E, W.M.; WELL #4 - 2400 NORTH AND 660 WEST FROM THE SE CORNER OF SECTION 29; WELL #5 - 1240 FEET SOUTH AND 35 FEET WEST FROM THE C 1/4 CORNER OF SECTION 29

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW 1/4 SW 1/4	5.0 ACRES	12.8 ACRES
SW 1/4 SW 1/4		19.4 ACRES
SECTION 28		
NE 1/4 SW 1/4		40.0 ACRES
NW 1/4 SW 1/4		40.0 ACRES
NE 1/4 SE 1/4	40.0 ACRES	
SECTION 29		

Application G-13852

Water Resources Department

PERMIT G-12930

SW 1/4 NE 1/4	11.1 ACRES
SE 1/4 NE 1/4	11.1 ACRES
NE 1/4 SE 1/4	38.4 ACRES
NW 1/4 SE 1/4	21.4 ACRES

SECTION 30
TOWNSHIP 6 NORTH, RANGE 35 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.

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.

Groundwater production from Well #4 shall be no shallower than 124.0 feet below land surface.

Before water may be appropriated under terms of this permit Well #4 must be repaired to conform to current well construction standards and proof of such repair is filed with the Water Resources Department. This permit condition is specifically related to Well #4 only and requires reconstruction of the well to bring the well into compliance with current well construction standards and prevent commingling of waters in accordance with ORS 537.775.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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.

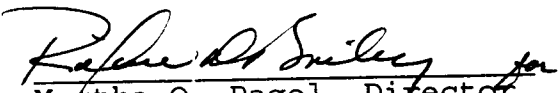
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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 October 29, 1996

BC 04


Martha O. Pagel, Director
Water Resources Department

Application G-13852 Water Resources Department
Basin 07 Volume 2 JOHNSON CREEK & MISC. AND
Volume 2 DUGGER CREEK & MISC.
MGMT.CODES 7BG, 7BR

PERMIT G-12930
District 05