

STATE OF OREGON
COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BOB TERRY
9650 SW HARDEBECK ROAD
GASTON OR 97119

This superseding permit is issued to describe an amendment for additional points of appropriation proposed under Permit Amendment Application T-11515 and approved by Special Order Vol. 89, Page 974, entered June 20, 2013, and to describe an extension of time for complete application of water approved August 31, 2012 and an assignment to a new permittee approved November 11, 2011. This permit supersedes Permit G-15650.

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-15130

SOURCE OF WATER: THREE WELLS IN WEST FORK PALMER CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 49.0 ACRES

MAXIMUM RATE: 1.11 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: APRIL 18, 2000

POINT OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	3 W	WM	19	SW NE	WELL 5 - 1760 FEET SOUTH AND 90 FEET EAST FROM THE N¼ CORNER OF SECTION 19
4 S	3 W	WM	19	SE NE	WELL 3 (YAMH 52469) - 2410 FEET SOUTH AND 840 FEET WEST FROM THE NE CORNER OF SECTION 19
4 S	3 W	WM	19	NW SE	WELL 4 (YAMH 5447) - 3170 FEET SOUTH AND 1820 FEET WEST FROM THE NE CORNER OF SECTION 19

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, during the period of allowed use specified above, 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:

NURSERY USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	3 W	WM	19	NW NE	5.3
4 S	3 W	WM	19	SW NE	27.5
4 S	3 W	WM	19	NW SE	16.2

Permit Amendment T-11515 Conditions

The combined quantity of water diverted at Wells 3 and 4, together with that diverted at the old point of appropriation, Well 5, shall not exceed the quantity of water lawfully available at the original point of appropriation, Well 5.

Water use measurement conditions:

- a. Before water use from Wells 3 and 4 may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Water shall be acquired from the same aquifer as the original point of appropriation, Well 5.

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 the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Technical Review, Initial Review or Proposed Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

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.

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.

Complete application of the water to the use shall be made on or before October 1, 2013. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued June 20, 2013


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR