

STATE OF OREGON
COUNTY OF WASHINGTON
PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GRACE DINSDALE
PO BOX 1130
CORNELIUS, OR. 97113

This superseding permit is issued to describe changes in points of appropriation approved under T-11955, Special Order Vol. 101, Page 290, entered June 22, 2016. This permit supersedes Permit G-17205.

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

APPLICATION FILE NUMBER: G-17633

SOURCE OF WATER: WELL 2, WELL 3, WELL 4, AND WELL 5 IN THE DAIRY CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 48.8 ACRES

MAXIMUM RATE / VOLUME: 0.6 CUBIC FEET PER SECOND (CFS)

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: MARCH 6, 2013

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distance
1 N	3 W	WM	15	NE NE	45	WELL 2-1375 FEET SOUTH AND 920 FEET WEST FROM THE NE CORNER OF SECTION 15
1 N	3 W	WM	15	NE NE	45	WELL 3-1110 FEET SOUTH AND 130 FEET WEST FROM THE NE CORNER OF SECTION 15
1 N	3 W	WM	15	NW NE	45	WELL 4-830 FEET SOUTH AND 565 FEET WEST FROM THE NE CORNER OF SECTION 15
1 N	3 W	WM	15	SE NE	45	WELL 5-950 FEET SOUTH AND 1355 FEET WEST FROM THE NE CORNER OF SECTION 15

The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, is limited to 0.15 cubic foot per second per acre and 5.0 acre feet per acre per year. For irrigation of containerized nursery plants, the amount of water diverted under this right, together with the amount secured under any other right existing for the same lands, is limited to one-fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants, the amount of water diverted under this right, together with the amount secured under any other right existing for the same lands, is limited to one-eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made at any time, during the period of allowed use specified above, that the use if beneficial. For irrigation of any other crop, the amount of water diverted under this right, together with the amount secured under any other right existing for the same lands, is limited to one-eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	3 W	WM	14	NW NW	0.9
1 N	3 W	WM	15	NE NE	28.4
1 N	3 W	WM	15	NW NE	5.4
1 N	3 W	WM	15	SW NE	3.4
1 N	3 W	WM	15	SE NE	10.7
TOTAL					48.8

Permit Amendment T-11955 Conditions:

The combined quantity of water diverted at the new points of appropriation.

Water shall be acquired from the same aquifer as the original points of appropriation and shall not exceed the quantity of water lawfully available at the original points of appropriation.

Original Permit Conditions

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall keep a complete record of the amount of water diverted 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.
- C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan was to submitted to the Department by May 9, 2015 which was within one year from the date the permit was issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to have the permit holder, a certified water rights examiner, a registered professional geologist, a registered professional engineer, a licensed well constructor or pump installer licensed by the Construction Contractors Board periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water level declines will be compared.

If a well listed on this permit (or replacement well) displays a total static water level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25 foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

Prior to using water from any well listed on this permit, the permittee shall ensure that all wells have been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

If substantial interference with surface water or 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.

The well(s) shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port adequate to determine water-level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

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.

Completion of construction and application of the water shall be made by May 9, 2019. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Dated at Salem, Oregon this 22 day of June 2016.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department