

STATE OF OREGON
 COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DON AND LE'ANN MARJAMA
 DBA DON MARJAMA NURSERY CO.
 11333 SE BLUFF RD
 SANDY, OREGON 97055

This superseding permit is issued to describe an amendment for additional points of appropriation and changes in point of appropriation proposed under Permit Amendment Application T-12256 and approved by Special Order Vol. 103, Page 716, entered January 9th, 2017, and to describe an extension of time for complete application of water approved January 15, 2016, and assignments to new permittees approved January 19, 2011, April 11, 2014, and August 23, 2016. This permit supersedes Permit G-12505.

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

APPLICATION FILE NUMBER: G-12505

SOURCE OF WATER: FIVE WELLS IN THE SANDY RIVER BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION AND SUPPLEMENTAL AGRICULTURE USE ON 78.5 ACRES

RATE OF USE: 1.38 CUBIC FEET PER SECOND (CFS), BEING 0.31 CFS FROM WELL #1, 0.25 CFS FROM WELL #3, AND 0.6 CFS FROM WELL #4

PERIOD OF ALLOWED USE: YEAR ROUND FOR AGRICULTURE USE AND MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION USE

DATE OF PRIORITY: APRIL 25, 1991

POINT OF DIVERSION LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	4 E	WM	35	SW NE	WELL NO. 1 - 420 FEET NORTH AND 708 FEET EAST FROM THE C¼ CORNER OF SECTION 35
1 S	4 E	WM	35	NE SW	WELL NO. 3 - 215 FEET SOUTH AND 395 FEET WEST FROM THE C¼ OF SECTION 35
1 S	4 E	WM	35	SE NW	WELL NO. 4 - 360 FEET NORTH AND 1310 FEET WEST FROM THE C¼ OF SECTION 35
1 S	4 E	WM	35	SE NW	WELL NO. 5 - 830 FEET NORTH AND 1080 FEET WEST FROM THE C¼ OF SECTION 35
1 S	4 E	WM	35	SE NW	WELL NO. 6 - 30 FEET NORTH AND 1300 FEET WEST FROM THE C¼ OF SECTION 35

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:

Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	4 E	WM	35	SW NE	28.75
1 S	4 E	WM	35	SE NW	29.30
1 S	4 E	WM	35	NE SW	8.85
1 S	4 E	WM	35	NW SE	11.60
Total:					78.50

Permit Amendment T-12256 Conditions:

1. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
2. Prior to water use from the proposed point of appropriation, 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.

The permittee 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.

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.

3. Water shall be acquired from the same aquifer as the original points of appropriation.
4. Wells 3, 4, 5, and 6 must be continuously cased and continuously sealed into the deep Troutdale Formation and must produce water from between 260 feet and 600 feet below land surface.

Existing Permit Conditions:

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.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

The permit should allow groundwater production from no shallower than 260 feet below land surface and only from the Deep Troutdale Aquifer between 260 feet and 600 feet below land surface.

Use of water from the well, as allowed herein, shall be regulated if the well displays:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A total water level decline of fifteen or more feet; or
- (C) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

The permittee/appropriator shall install a meter or other measuring device suitable to the Director, and shall keep a complete record of water uses.

The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.

- (A) Use of water from a new well shall not begin until the initial water level in the well has been measured. A measurement of initial water level shall be made at the time a pump is installed, but before pumping begins.
- (B) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year at the time of spring high water during the period March 15 through April 15.
- (C) All water level measurements shall be made by a qualified individual. Qualified individuals include certified water rights examiners, licensed water well drillers, registered geologists, registered professional engineers, registered land surveyors, licensed well constructor, pump installer licensed by the Construction Contractors Board, or the permittee/appropriator.
- (D) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
- (E) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be received not later than 30 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

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.

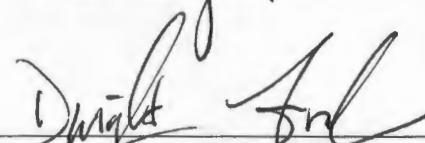
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Permit G-12505 was issued June 12, 1996. Actual construction of the wells was to begin by June 12, 1997, and was to be completed on or before October 1, 1998, complete application of the water to the use was to be made by October 1, 1999. By Extension of Time Final Order dated January 15, 2016, the deadline for complete application of the water to the use was extended to October 1, 2020.

Issued January 9, 2017


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

