

STATE OF OREGON

COUNTY OF LANE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROY NELSON  
40152 E FIRST ST  
LOWELL, OR 97452

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

APPLICATION FILE NUMBER: G-18310

SOURCE OF WATER: WELL 2 (LANE 56449/L26646), WELL 3, WELL 4, AND WELL 5  
IN DEXTER LAKE BASIN

PURPOSE OR USE: NURSERY USE ON 20.0 ACRES

MAXIMUM RATE: 0.14 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: JUNE 2, 2016

WELL LOCATION:

WELL 2 (LANE 56449/L26646): NW ¼ SE ¼ SECTION 11, T19S, R1W, W.M.;  
1740 FEET NORTH AND 1530 FEET WEST FROM SE CORNER, SECTION 11

WELL 3: SE ¼ SE ¼ SECTION 11, T19S, R1W, W.M.; 200 FEET NORTH AND  
710 FEET WEST FROM SE CORNER, SECTION 11

WELL 4: SE ¼ NW ¼ SECTION 13, T19S, R1W, W.M.; 2400 FEET SOUTH AND  
1430 FEET EAST FROM NW CORNER, SECTION 13

WELL 5: SE ¼ NE ¼ SECTION 14, T19S, R1W, W.M.; 2100 FEET SOUTH AND  
750 FEET WEST FROM NE CORNER, SECTION 14

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 is 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:

NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  2.5 ACRES  
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  9.5 ACRES  
SECTION 11

SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  0.5 ACRES  
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  2.5 ACRES  
SECTION 13

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  2.5 ACRES  
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  2.5 ACRES  
SECTION 14

TOWNSHIP 19 SOUTH, RANGE 1 WEST, W.M.

Measurement Devices, and Recording/Reporting of Annual Water Use Conditions:

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

Metering Condition:

Totalizing flowmeters are to be placed on each well used under this permit. If the wells are to be used for other purposes than what is described in this permit (exempt-domestic, exempt-commercial, etc.) the flowmeters shall be placed such that they record only the water used under the permit, and not water used under exemption or other uses.

Well Identification Tag Condition:

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has 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.

Construction of the well shall be made within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.

Complete application of the water shall be made within five years of the date of permit issuance. 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.

Issued *APRIL 20 2017*

*E. Timothy Wallin*

E. Timothy Wallin, Water Rights Program Manager  
for Thomas M. Byler, Director