

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

NORTH AMERICAN PLANTS, INC.
C/O YONGJIAN CHANG
9375 SE WARMINGTON ROAD
MCMINNVILLE, OR 97128

This superseding permit is issued to describe an amendment for a change in points of appropriation, an additional point of appropriation and a change in the place of use proposed under Permit Amendment Application T-12590 and approved by Special Order Vol. 109, Page 4916 entered September 25, 2018, and to describe an Extension of Time for complete application of water approved on July 6, 2010, and an assignment approved August 4, 2005. This permit supersedes Permit G-15352.

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

APPLICATION FILE NUMBER: G-15543

SOURCE OF WATER: FIVE WELLS IN HAWN CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 6.5 ACRES

MAXIMUM CUMULATIVE TOTAL: 0.974 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 14, 2001

WELL LOCATIONS ARE AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	4 W	WM	11	NE SE	51	WELL 1 (YAMH 5660) - NORTH 35 DEGREES 30 MINUTES WEST, 2175 FEET WEST FROM THE SE CORNER OF SECTION 11
4 S	4 W	WM	11	NE SE	51	WELL 3 - 550 FEET SOUTH AND 1445 FEET EAST FROM THE C1/4 CORNER OF SECTION 11
4 S	4 W	WM	11	NE SE	51	WELL 5 - 215 FEET SOUTH AND 1880 FEET EAST FROM THE C1/4 CORNER OF SECTION 11
4 S	4 W	WM	11	NW SE	50	WELL 2 (YAMH 5656) - NORTH 41 DEGREES 0 MINUTES WEST, 2175 FEET EAST FROM THE SE CORNER OF SECTION 11
4 S	4 W	WM	11	NW SE	50	WELL 4 - 205 FEET SOUTH AND 1880 FEET EAST FROM THE C1/4 CORNER OF SECTION 11

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	DLC	Acres
4 S	4 W	WM	11	NE SE	51	2.0
4 S	4 W	WM	11	NW SE	50	4.5
Total						6.5

Permit Amendment T-12590 Conditions:

The combined quantity of water diverted at the new points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

Water shall be acquired from the same aquifer as the original points of appropriation.

The former place of use shall not be irrigated as part of this permit.

Extension of Time Conditions:

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2022**.

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

Original 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 measuring and reporting procedures for review and approval.

STANDARD CONDITIONS

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.

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.

The original permit was issued March 13, 2003. Complete application of the water to the use was to be made on or before October 1, 2007. By Extension of Time Final Order dated July 6, 2010, the deadline for complete application of water to use was extended to October 1, 2022.

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 SEP 25 2018 ;



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