

STATE OF OREGON

COUNTY OF LINN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BENJAMIN VERHOEVEN
KATHRYN E. WEEKS
32277 PEORIA RD SW
ALBANY OR 97321

This superseding permit is issued to describe an amendment for additional points of appropriation proposed under Permit Amendment Application T-13638 and approved by Special Order Vol. 121, Page 112, entered October 20, 2021. This permit supersedes Permit G-18372.

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

APPLICATION FILE NUMBER: G-18503

DATE OF PRIORITY: MAY 5, 2017

SOURCE OF WATER: PEORIA GARDENS WELL 1 (LINN 10758), PEORIA GARDENS WELL 3, WELL 5, AND WELL 6 IN MUDDY CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 55.0 ACRES AND IRRIGATION ON 50.5 ACRES

MAXIMUM RATE: 2.01 CUBIC FEET PER SECOND, FURTHER LIMITED TO THE AMOUNTS LISTED BELOW:

MONTH	NURSERY USE	IRRIGATION USE	MAXIMUM PER MONTH
JANUARY	1.380	0	1.380
FEBRUARY	1.380	0	1.380
MARCH	1.380	0.630	2.010
APRIL	1.380	0.630	2.010
MAY	1.380	0.630	2.010
JUNE	0.353	0.353	0.353
JULY	0.261	0.261	0.261
AUGUST	0.203	0.203	0.203
SEPTEMBER	0.149	0.149	0.149
OCTOBER	1.380	0.630	2.010
NOVEMBER	1.380	0	1.380
DECEMBER	1.380	0	1.380

WELL LOCATIONS:

POA	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
PEORIA GARDENS WELL 1 (LINN 10758)	12 S	4 W	WM	17	SW SW	530 FEET NORTH AND 550 FEET EAST FROM THE SW CORNER OF SECTION 17
WELL 5	12 S	4 W	WM	17	SW SW	150 FEET NORTH AND 460 FEET EAST FROM THE SW CORNER OR SECTION 17
WELL 3	12 S	4 W	WM	17	SE SW	170 FEET NORTH AND 1350 FEET EAST FROM THE SW CORNER OF SECTION 17
WELL 6	12 S	4 W	WM	20	NE NW	230 FEET SOUTH AND 1560 FEET EAST FROM THE NW CORNER OF SECTION 20

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.

AUTHORIZED PLACE OF USE:

Twp	Rng	Mer	Sec	Q-Q	Nursery Use (acres)	Irrigation (acres)
12 S	4 W	WM	17	SW SW	15.1	4.9
12 S	4 W	WM	17	SE SW	14.9	14.8
12 S	4 W	WM	18	SE SE	0.1	0.1
12 S	4 W	WM	19	NE NE	0.0	2.6
12 S	4 W	WM	20	NW NE	12.9	12.9
12 S	4 W	WM	20	NW NW	12.0	15.2

Permit Amendment T-13638 Conditions:

The combined quantity of water diverted at the additional points of appropriation, (Well 5 and Well 6) together with that diverted at the original points of appropriation (Peoria Gardens Well 1 (LINN 10758) and Well 3), shall not exceed the quantity of water lawfully available at the original points of appropriation (Peoria Gardens Well 1 (LINN 10758) and Well 3).

Water Use Measurement, Recording, and Reporting Condition:

- 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 used each month, and shall submit an annual 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

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

Original Permit Conditions

1. Water Use Measurement, Recording, and Reporting Condition:

- 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 used each month, and shall submit an annual 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

2. Static Water Level Condition:

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee'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 causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

3. Groundwater production shall be only from the alluvial groundwater reservoir.

4. Well Identification Tag Condition:

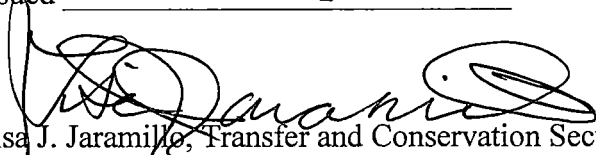
Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including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

STANDARD CONDITIONS

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.

9. The original permit was issued April 14, 2020. Completion of construction and application of water to the use shall be made on or before April 14, 2025. 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. The deadline to begin construction may not be extended. This Permit is subject to cancellation proceedings if the construction deadline to begin is missed.
10. 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.

Issued SEP 28 2021



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Thomas M. Byler, Director
Oregon Water Resources Department