

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT SHALL EXPIRE OCTOBER 31, 2024

THIS PERMIT IS HEREBY ISSUED TO

PLEASANT VALLEY DEVELOPMENT, LLC
JOE SCHIEWE
PO BOX 61426
VANCOUVER, WA 98666

This superseding permit is issued to describe an amendment for change in place of use proposed under Permit Amendment Application T-13553 and approved by Special Order Vol. 122, Page 314, entered JAN 26 2022 and an assignment to a new permittee approved June 29, 2020. This permit supersedes Permit G-18213.

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

APPLICATION FILE NUMBER: G-13591

SOURCE OF WATER: A WELL IN CLACKAMAS RIVER BASIN (LOCATED IN THE DAMASCUS GROUNDWATER LIMITED AREA)

PURPOSE OR USE: IRRIGATION OF 26.75 ACRES AND AGRICULTURAL (NURSERY) USE

MAXIMUM RATE: 0.32 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 OF EACH YEAR FOR IRRIGATION AND YEAR ROUND FOR AGRICULTURAL USES

DATE OF PRIORITY: JUNE 2, 1995

WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 E	WM	31	NW SW	1345 FEET NORTH AND 1212 FEET EAST OF THE SW CORNER OF SECTION 31

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:

IRRIGATION AND AGRICULTURAL USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 E	WM	6	NE NW	1.04
1 S	3 E	WM	6	NW NW	0.22
1 S	3 E	WM	31	NE SW	0.94
1 S	3 E	WM	31	NW SW	4.89
1 S	3 E	WM	31	SW SW	3.05
1 S	3 E	WM	31	SE SW	16.48
1 S	3 E	WM	31	SW SE	0.13
Total					26.75

Permit Amendment T-13553 Conditions:

1. The former place of use shall no longer be irrigated as part of this permit.
2. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Original Permit Conditions

1. **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.

2. Subsequent permit renewals may be denied if the aquifer displays any of the adverse impacts defined in OAR 690-08.

3. **Static Water Level Condition:**

- A. Use of water from the well, as allowed herein, shall be controlled or shut off 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 purpose of such control shall be to bring the five-year average or total water level decline below the limits set above within a reasonable time frame. When that goal is attained, the degree of control shall be reduced in a manner designed to stabilize the water level.

- B. The water user 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 an initial static water level in the well has been measured and submitted to the Department.
 - b. In addition to the measurement required in subsection A of this section, a water level measurement shall be made each year during the month of March, and submitted to the Department's Groundwater Section within 30 days.
 - c. All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well driller, licensed pump installer, or the permit/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 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 submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section A are evidenced by the well measurement required in this section.

Failure to provide March static water level measurements will likely result in suspension of water use from the well(s) authorized under this permit, until compliance with the annual measurement requirement is met.

For the purpose of considering subsequent renewals of this permit, the Department will be using 117.84 feet below land surface as the reference static water level.

4. **Groundwater production shall be from no shallower than 180 feet below land surface.**

5. **Scenic Water Way Condition:**

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.

6. **This permit shall expire October 31, 2024.** This permit may be renewed for additional periods of time, not to exceed five years, if the Director finds the groundwater resource can likely support the continued use.

7. Actual construction of the well was to have begun within one year from permit issuance and was to have been completed on or before October 1, 1998. Complete application of the water to the use was to have been made on or before October 1, 1999.

8. The place of use and rate of use have been modified since the Final Proof Survey and Claim of Beneficial Use were submitted October 31, 2002.

STANDARD CONDITIONS

1. 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.
2. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
3. 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.
4. 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.

5. 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.
6. The use of water shall be limited when it interferes with any prior surface or ground water rights.
7. 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.

Issued **JAN 26 2022**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

