

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

POHLSCHNEIDER FARMS INC.  
17904 FRENCH PRAIRIE RD  
SAINT PAUL, OR 97137

This superseding permit is issued to describe an amendment for a change in point of appropriation proposed under Permit Amendment Application T-13981 and approved by Special Order Vol. 127, Page 1089, entered MAR 23 2023, and Permit Amendment Application T-10313 approved by Special Order Vol. 75, Page 353 entered July 9, 2008, and to describe an extension of time for complete application of water approved September 13, 2013. This permit supersedes Permit G-16132.

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

APPLICATION FILE NUMBER: G-16466

SOURCE OF WATER: WELL 1 AND WELL 2 IN CHAMPOEG CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 490.0 ACRES

MAXIMUM RATE: 5.0 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: FEBRUARY 6, 2006

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	32	NE SW	59	WELL 1 - 255 FEET NORTH AND 1375 FEET EAST FROM THE SE CORNER OF BERGEVIN DLC 64
4 S	2 W	WM	32	NE SW	69	WELL 2 - 1350 FEET NORTH AND 2140 FEET EAST FROM THE SW CORNER OF SECTION 32

The amount of water used for nursery use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted 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 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 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:

NURSERY USE						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	31	NE SE	55	2.2
4 S	2 W	WM	31	NE SE	69	2.5
4 S	2 W	WM	32	SW NE	69	27.0
4 S	2 W	WM	32	SE NE	69	26.3
4 S	2 W	WM	32	SW NW	69	22.5
4 S	2 W	WM	32	SE NW	69	26.7
4 S	2 W	WM	32	NE SW	55	12.3
4 S	2 W	WM	32	NE SW	69	27.7
4 S	2 W	WM	32	NW SW	55	11.9
4 S	2 W	WM	32	NW SW	69	26.1
4 S	2 W	WM	32	NE SE	55	12.8
4 S	2 W	WM	32	NE SE	69	27.2
4 S	2 W	WM	32	NW SE	55	12.6
4 S	2 W	WM	32	NW SE	69	27.4
4 S	2 W	WM	33	SW NE	69	24.6
4 S	2 W	WM	33	SE NE	69	14.2
4 S	2 W	WM	33	SW NW	69	26.1
4 S	2 W	WM	33	SE NW	69	25.1
4 S	2 W	WM	33	NE SW	55	13.2
4 S	2 W	WM	33	NE SW	69	23.1
4 S	2 W	WM	33	NW SW	55	12.4
4 S	2 W	WM	33	NW SW	69	27.0
4 S	2 W	WM	33	NE SE	55	8.6
4 S	2 W	WM	33	NE SE	69	20.3
4 S	2 W	WM	33	NW SE	55	10.9
4 S	2 W	WM	33	NW SE	69	19.3
Total						490.0

**Permit Amendment T-13981 Conditions:**

The quantity of water diverted at the new point of appropriation (Well 1) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).

Water shall be acquired from the same aquifer as the original point of appropriation, Well 1.

**Permit Amendment T-10313 Conditions:**

The combined quantity of water diverted at the new points of appropriation (wells), together with that diverted at the old points of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-16132 (Superseded by Permit G-18833).

Prior to water use from the proposed points of appropriation, the permittee shall install meter(s) or other suitable measuring device(s) as approved by the Director. The permittee shall maintain the meter(s) or measuring device(s) in good working order, and 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(s) or measuring device(s); provided however, where the meter(s) or measuring device(s) is located within a private structure, the watermaster shall request access upon reasonable notice.

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

**Extension of Time Conditions:**

The permit holder had to submit a completed Progress Report Form to the Department by October 1, 2017, and 2022. Forms were included with the Extension Final Order.

- (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 totalizing flow meter on each well. The totalizing flow meters must be installed and maintained in good working order consistent with those standards identified in OAR 690-507-645(1) through (3). 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.
- B. The permittee shall allow the watermaster access to the meters; provided however, where the meters are located within a private structure, the watermaster shall request access upon reasonable notice.

The wells shall produce groundwater only from the alluvial groundwater reservoir.

- (1) 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.
- (2) The permittee/appropriator shall install a meter or other measuring device suitable to the Director and shall keep a complete record of water uses.
- (3) 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 twice each year, one during the month of March and one during the month of September.
  - (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).

## STANDARD CONDITIONS

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 not be valid, unless the Department authorizes the change in writing.

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.

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 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.

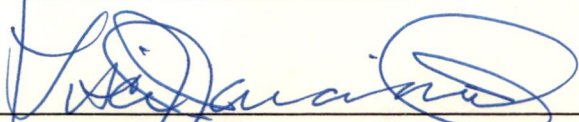
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2026. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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           MAR 23 2023          

  
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Lisa J. Jaramillo, Transfer and Conservation Section Manager  
DOUGLAS E. WOODCOCK, Acting Director  
Oregon Water Resources Department