

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LOEN NURSERY CO.
18710 SW PACIFIC DR
SHERWOOD, OR 97140

This superseding permit is issued to describe an amendment for change in point of appropriation proposed under Permit Amendment Application T-14331 and approved by Special Order Vol. 131, Page 284, entered JUN 10 2024, and to describe a previous Permit Amendment T-8864 approved by Special Order Volume 88, Page 320, entered April 26, 2006, and an extension of time for complete application of water approved August 18, 2023. This permit supersedes Permit G-12326.

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13890

SOURCE OF WATER: EIGHT WELLS IN TUALATIN RIVER BASIN

PURPOSE OR ALLOWED USE: AGRICULTURAL USE FOR NURSERY STOCK

RATE OF ALLOWED USE: 3.56 CUBIC FEET PER SECOND

THE PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 23, 1994

POINT OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	1 W	WM	21	NE SW	WELL 1 - 545 FEET SOUTH AND 2520 FEET EAST FROM THE W 1/4 CORNER OF SECTION 21
2 S	1 W	WM	21	NE SW	WELL 2 (WASH 53928) - 620 FEET SOUTH AND 2450 FEET EAST FROM THE W 1/4 CORNER OF SECTION 21
2 S	1 W	WM	21	NE SW	WELL 3 - 735 FEET SOUTH AND 2600 FEET EAST FROM THE W 1/4 CORNER OF SECTION 21
2 S	1 W	WM	21	NE SW	WELL 4 - 70 FEET SOUTH AND 2320 FEET EAST FROM THE W 1/4 CORNER OF SECTION 21
2 S	1 W	WM	21	NE SW	WELL 5 - 170 FEET SOUTH AND 2310 FEET EAST FROM THE W 1/4 CORNER OF SECTION 21
2 S	1 W	WM	21	NE SW	WELL 6 (WASH 50715) - 460 FEET SOUTH AND 2425 FEET EAST FROM THE W 1/4 CORNER OF SECTION 21
2 S	1 W	WM	21	NE SW	WELL C/ WELL 7 - 730 FEET SOUTH AND 2380 FEET EAST FROM THE W 1/4 CORNER OF SECTION 21
2 S	1 W	WM	21	NE SW	WELL H/ WELL 8 - 440 FEET SOUTH AND 2260 FEET EAST FROM THE W 1/4 CORNER OF SECTION 21

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:

AGRICULTURAL USE FOR NURSERY STOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	1 W	WM	21	NE SW	24.0
2 S	1 W	WM	21	NW SW	2.5
Total					26.5

Permit Amendment T-14331 Conditions:

The quantity of water diverted at the new point of appropriation (WELL 2) shall not exceed the quantity of water lawfully available at the original point of appropriation (WELL 2).

Water use measurement conditions:

- 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 new point of appropriation with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.
- The water user shall maintain the meters or measuring devices in good working order.
- 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.

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

Permit Amendment T-8864 Conditions:

The combined quantity of water diverted at the new points of appropriation (wells) shall not exceed the maximum rate and duty allowed under Permit G-12326.

Prior to water use from the proposed points of appropriation, the permittee shall install meters or other suitable measuring devices as approved by the Director. The permittee shall maintain the meters or measuring devices 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 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.

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

Extension of Time Conditions:

Permit Amendment Condition

The Permit Holder shall submit an Application for Permit Amendment by no later than October 1, 2023, requesting the change in point of appropriation from Well 2 (WASH 53928) to WASH 50714. Failure to submit the required Application for Permit Amendment by October 1, 2023, shall result in the loss of the use of water from Well 2 and the inability to perfect the use of water developed from WASH 50714. No additional changes may be authorized by this Permit Amendment.

Last Extension Condition

This will be the last extension of time granted for Permit G-12326. Any future extensions of time request will be denied, unless the Department determines the need for an extension of time is due to a delay in the processing of the timely submitted Application for Permit Amendment required above, or a delay in confirmation from the Department that the repairs to the wells, completed prior to October 1, 2026, are sufficient to meet the requirement of the condition. ORS 539.010(5); OAR 690-315-0040.

Development Limitation

Use of water under this permit is limited to the water appropriated from WASH 50714, and WASH 50715, **AFTER** repairs to the wells has been determined sufficient enough to meet the requirement in the permit, being no more than 0.17 cubic feet per second, being 0.08 cfs from WASH 50714, and 0.09 cfs from WASH 50715. Additionally, no more than 18.5 acres of agricultural use for nursery stock and other associated uses authorized by the permit, may be developed.

No Water Use/Well Repair Condition

Use of water under this permit shall be suspended, and no water may be appropriated from any well listed on this permit until the well is altered to meet the condition contained in the permit, AND the Department has determined, in writing, the alteration(s) is sufficient to meet the requirements in the permit.

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, 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 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. 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.

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.

Prior to use of groundwater from wells listed on this permit, applicant must provide well reports that detail information which is sufficient to establish that a confined aquifer is developed. Groundwater production from any well listed on this permit may not be from the targeted basalt aquifer of the Sherwood-Dammasch-Wilsonville Groundwater Limited Area but more specifically only from the confined alluvial groundwater reservoir between approximately 100 feet and 300 feet below land surface.

STANDARD CONDITIONS

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.

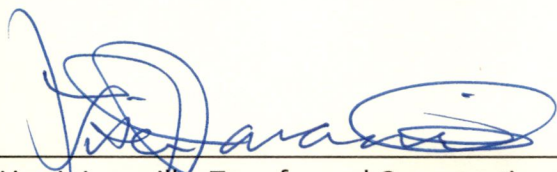
Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

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 April 15, 1996. Actual construction work was to begin within one year from issuance of the original permit. By Extension of Time Final order dated August 18, 2023, the deadline for complete application of water to use was extended to October 1, 2026.

Signed JUN 10 2024



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

