

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO CONSTRUCT A RESERVOIR AND TO  
STORE FOR BENEFICIAL USE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WESTERN INTERNATIONAL NURSERY GROWERS, INC.  
PO BOX 351  
BORING, OREGON 97009

503-663-7341

to construct AN UNNAMED RESERVOIR and to store the waters of AN UNNAMED STREAM TO BE APPROPRIATED UNDER PERMIT 51598, tributary of NORTH FORK DEEP CREEK for NURSERY OPERATIONS.

This permit is issued approving Reservoir Application R-70090. The date of priority is October 10, 1989. The amount of water entitled to be stored each year is not more than 1.10 ACRE-FEET. Water may be appropriated for storage during the period November 1 through June 30.

The total area proposed to be submerged by the reservoir, when full is 0.20 acre; the proposed maximum depth of water is 6.0 feet; the reservoir is excavated and is below ground level.

A description of the proposed place of use under this permit is as follows:

SE 1/4 NW 1/4, SECTION 5, T 2 S, R 4 E, W.M.; 92 FEET NORTH AND 925 FEET EAST OF THE CENTER OF SECTION 5.

The area to be submerged by the reservoir is located as follows:

SW 1/4 NW 1/4  
SECTION 5  
TOWNSHIP 2 SOUTH, RANGE 4 WEST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. 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.

8-610  
4-536 to 38

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

A bypass structure or device shall be installed to allow the natural flow to bypass the pond during periods of low water flows.

Actual construction work shall begin on or before April 24, 1996 and shall be completed on or before October 1, 1997. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1998.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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, would not impair or be detrimental to the public interest.

Issued this date, April 24, 1995.

/s/ MARTHA O. PAGEL

Water Resources Department  
Martha O. Pagel  
Director