

STATE OF OREGON  
COUNTY OF YAMHILL

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BAILEY NURSERIES, INC.  
9855 NW PIKE RD.  
YAMHILL, OREGON 97148

PHONE: (503) 662-3244

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

APPLICATION FILE NUMBER: R-70217

SOURCE OF WATER: BRYAN CREEK, A TRIBUTARY OF CHEHALEM CREEK

STORAGE FACILITY: ENLARGEMENT TO EXISTING STRUCTURE CONSTRUCTED UNDER PERMITS R-1407, R-1560, & R-1761

PURPOSE OR USE OF THE STORED WATER: SUPPLEMENTAL AGRICULTURAL (NURSERY OPERATIONS) TO BE APPROPRIATED UNDER PERMIT 53421

VOLUME OF USE: 64.0 ACRE-FEET PER YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH JUNE 30 OF EACH YEAR

DATE OF PRIORITY: MARCH 2, 1990

The area submerged by the reservoir, when full, will be 13.0 acres and the maximum depth of water will be 33.6 feet. The maximum height of the dam shall not exceed 34.6 feet.

DAM LOCATION: NW 1/4 SW 1/4, SECTION 2, T3S, R3W, W.M.; 1750 FEET NORTH AND 1240 FEET EAST FROM SE CORNER, SECTION 2

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SE 1/4 NW 1/4  
NW 1/4 SW 1/4  
NE 1/4 SW 1/4

SECTION 2

TOWNSHIP 3 SOUTH, RANGE 3 WEST, W.M.

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.

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- 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.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The dam shall be constructed, operated, and maintained according to the approved plans and specifications dated September 25, 1990 and revised by letter on October 23, 1995 on file with the Water Resources Department.

The permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion.

#### STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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 allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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.

Actual construction work shall begin within one year from permit issuance. The reservoir(s) shall be filled and complete application of water shall be made on or before October 1, 2002. 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).

Dated July 29, 1998



Martha O. Pagel, Director  
Water Resources Department

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