

STATE OF OREGON

COUNTY OF Washington

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LOEN NURSERY CO
18710 SW PACIFIC DRIVE
SHERWOOD, OREGON 97140

(503) 675-6170

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

APPLICATION FILE NUMBER: R-72587

SOURCE OF WATER: SURFACE RUNOFF AND CUMMINGS DITCH, TRIBUTARIES OF TUALATIN RIVER

STORAGE FACILITY: RESERVOIRS A, B, AND C

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION 72588, PERMIT 53640, FOR IRRIGATION AND AGRICULTURAL USE (NURSERY OPERATIONS)

QUANTITY: 36.0 ACRE-FEET EACH YEAR, BEING NOT MORE THAN 12.0 ACRE- FEET IN RES A; 10.4 ACRE- FEET IN RES B; AND 13.6 ACRE- FEET IN RES C

PERIOD OF ALLOWED USE: Water may be appropriated for storage during the period November 1 through APRIL 30.

DATE OF PRIORITY: July 30, 1992

The total area to be submerged by each reservoir, when full, shall be: 1.8 acres RES A; 1.6 acres RES B; and 2.1 acres RES C. The maximum depth of water for each reservoir is 10.0 feet. The maximum height of the dams will not exceed 8.0 feet.

DAM LOCATION: NE 1/4 SW 1/4 , SECTION 21, T2S, R1W, W.M.

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

NE 1/4 SW 1/4 and NW 1/4 SW 1/4, SECTION 21, TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the

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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.

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.

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.

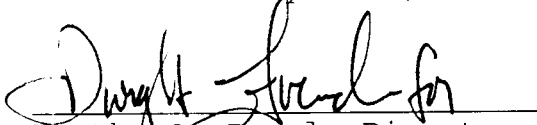
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 by January 27, 2001. The reservoirs shall be filled and complete application of the water to the use shall be made on or before October 1, 2004. 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 January 27, 2000


Martha O. Pagel, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

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