

STATE OF OREGON
COUNTY OF WASHINGTON
PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TALON AND LISA BUCHHOLZ
ROUTE 1, BOX 80
GASTON, OREGON 97119

503-985-3253

to use the waters of TWO UNNAMED PONDS TO BE CONSTRUCTED UNDER APPLICATION R-69786, PERMIT R-11188, a tributary of TUALATIN RIVER, AND TUALATIN RIVER, a tributary of WILLAMETTE RIVER, for NURSERY OPERATIONS ON 22.92 ACRES.

This Permit is issued approving Application 69787. The date of priority is DECEMBER 20, 1988. The use is limited to not more than 0.67 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

POND 1 SE 1/4 SW 1/4, SECTION 30, T 1 S, R 3 W, W.M.; 1150 FEET NORTH AND 1850 FEET EAST FROM SW CORNER, SECTION 30.

POND 2 NE 1/4 SW 1/4, SECTION 30, T 1 S, R 3 W, W.M.; 2025 FEET NORTH AND 1950 FEET EAST FROM SW CORNER, SECTION 30.

RIVER SE 1/4 NW 1/4, SECTION 25, T 1 S, R 4 W, W.M.; 20 FEET NORTH AND 2720 FEET WEST FROM W 1/4 CORNER, SECTION 30.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish and Wildlife specifications.

Water shall not be appropriated from direct flow during the period from July 31 through September 15 of each year.

The amount of water used for Nursery Operations (OAR 690-11-010(14)) 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 at any time 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 use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

NE 1/4 SW 1/4 11.00 ACRES
SE 1/4 SW 1/4 11.92 ACRES
SECTION 30
TOWNSHIP 1 SOUTH, RANGE 3 WEST, W.M.

Actual construction work shall begin on or before NOVEMBER 27, 1990, and shall be completed on or before October 1, 1991. Complete application of the water to the use shall be made on or before October 1, 1992.

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

Issued this date, NOVEMBER 27, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director