

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

OREGON GARDEN PRODUCTS, INC.  
3150 SE MINTER BRIDGE ROAD  
HILLSBORO, OREGON 97123

503-640-4633

to use the waters of GALES CREEK, CARPENTER CREEK, KNIGHTEN CREEK, AND SEWAGE EFFLUENT FROM FOREST GROVE TREATMENT PLANT LAGOON, AND STORED WATER IN RITCHEY FARM RESERVOIR CONSTRUCTED UNDER PERMIT R-8808 AND R-11262, tributaries of TUALATIN RIVER, for NURSERY OPERATIONS ON 561.0 ACRES.

This Permit is issued approving Application 70124. The date of priority is NOVEMBER 16, 1989. The use is limited to not more than 15.93 CUBIC FEET PER SECOND, being 1.56 cfs from GALES CREEK diversion 1, 4.48 cfs from GALES CREEK diversion 2, 5.12 cfs from CARPENTER CREEK, 2.54 cfs from KNIGHTEN CREEK and 2.23 cfs from SEWAGE EFFLUENT, or its equivalent in case of rotation, measured at the points of diversion from the sources. THE USE OF NATURAL FLOW WATERS FOR NURSERY OPERATIONS IS LIMITED TO NOVEMBER 1 THROUGH APRIL 30, AND FOR TEMPERATURE CONTROL ONLY FROM MAY 1 THROUGH JUNE 1 OF EACH YEAR.

The points of diversion are located as follows:

NW 1/4 NE 1/4, SECTION 34, T 1 N, R 4 W, W.M.; GALES CREEK DIVERSION 1 - 710 FEET SOUTH AND 840 FEET EAST FROM N 1/4 CORNER, SECTION 34.

SE 1/4 SW 1/4, SECTION 35, T 1 N, R 4 W, W.M.; GALES CREEK DIVERSION 2 - 125 FEET NORTH AND 525 FEET WEST FROM S 1/4 CORNER, SECTION 35.

NE 1/4 SE 1/4, SECTION 2, T 1 S, R 4 W, W.M.; CARPENTER CREEK - 1690 FEET NORTH AND 30 FEET WEST FROM SE CORNER, SECTION 2.

NW 1/4 SW 1/4, SECTION 1, T 1 S, R 4 W, W.M.; KNIGHTEN CREEK - 1900 FEET NORTH AND 140 FEET EAST FROM SE CORNER, SECTION 2.

SW 1/4 SW 1/4, SECTION 5, T 1 S, R 3 W, W.M.; SEWAGE EFFLUENT - 1200 FEET SOUTH AND 100 FEET EAST FROM SE CORNER, DLC 37.

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

The water user shall install and maintain to the satisfaction of the Watermaster, weirs or other suitable devices for measuring and recording the quantities of water in Carpenter Creek, both where it enters and leaves the user's property.

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

The permittee shall obtain the necessary discharge permits from the Department of Environmental Quality before water can be used from Carpenter Creek.

The permittee shall design, plan, implement and maintain a riparian restoration program for Carpenter Creek. Preliminary and final plans shall be submitted to the Oregon Department of Fish and Wildlife and to the Washington County Soil and Water Conservation District for approval. Carpenter Creek riparian restoration shall be fully implemented within five years of the date of permit issuance.

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:

GALES CREEK DIVERSION 1

NW 1/4 NE 1/4	12.3 ACRES
SW 1/4 NE 1/4	2.7 ACRES
NE 1/4 NW 1/4	6.4 ACRES
SW 1/4 NW 1/4	1.5 ACRES
SE 1/4 NW 1/4	26.4 ACRES
NE 1/4 SW 1/4	0.7 ACRE
NW 1/4 SW 1/4	0.6 ACRE

SECTION 34

TOWNSHIP 1 NORTH, RANGE 4 WEST, W.M.

GALES CREEK DIVERSION 2,  
CARPENTER CREEK, KNIGHTEN CREEK, AND SEWAGE EFFLUENT

SE 1/4 SW 1/4	2.1 ACRES
SW 1/4 SE 1/4	3.5 ACRES

SECTION 35

TOWNSHIP 1 NORTH, RANGE 4 WEST, W.M.

NW 1/4 NW 1/4	9.8 ACRES
SW 1/4 NW 1/4	33.1 ACRES
NW 1/4 SW 1/4	36.6 ACRES
SW 1/4 SW 1/4	0.5 ACRE

SECTION 1

NW 1/4 NE 1/4	28.2 ACRES
SW 1/4 NE 1/4	29.0 ACRES
SE 1/4 NE 1/4	4.3 ACRES
NE 1/4 NW 1/4	24.1 ACRES
NW 1/4 NW 1/4	8.9 ACRES
SW 1/4 NW 1/4	17.6 ACRES
SE 1/4 NW 1/4	40.7 ACRES
NE 1/4 SW 1/4	35.6 ACRES
NW 1/4 SW 1/4	1.9 ACRES
SW 1/4 SW 1/4	21.6 ACRES
SE 1/4 SW 1/4	25.3 ACRES
NE 1/4 SE 1/4	12.8 ACRES
NW 1/4 SE 1/4	24.8 ACRES
SW 1/4 SE 1/4	37.6 ACRES
SE 1/4 SE 1/4	38.7 ACRES

SECTION 2

SE 1/4 SE 1/4 8.1 ACRES  
SECTION 3

NE 1/4 NE 1/4 14.6 ACRES  
SECTION 10

NE 1/4 NE 1/4 3.4 ACRES  
NW 1/4 NE 1/4 3.0 ACRES  
NE 1/4 NW 1/4 12.5 ACRES  
NW 1/4 NW 1/4 32.1 ACRES  
SECTION 11

TOWNSHIP 1 SOUTH, RANGE 4 WEST, W.M.

This project was considered and approved by the Water Resources Commission on December 7, 1990.

Actual construction work shall begin on or before December 10, 1991, and shall be completed on or before October 1, 1992. Complete application of the water to the use shall be made on or before October 1, 1993.

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, DECEMBER 10, 1990.

/s/ WILLIAM H. YOUNG

Water Resources Department  
William H. Young  
Director