

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

J & L NURSERY
6551 SCISM ROAD NE
SILVERTON, OREGON 97381

503-873-6566

to use the waters of SILVER CREEK, a tributary of PUDDING RIVER, for NURSERY OPERATIONS ON 90.0 ACRES.

This Permit is issued approving Application 70560. The date of priority is AUGUST 20, 1990. The use is limited to not more than 1.12 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the points of diversion from the source. **Use is limited to the period of December 1 through April 30 of each year.**

The points of diversion are located as follows:

SW 1/4 NW 1/4, SECTION 34; SE 1/4 NE 1/4, SW 1/4 NE 1/4, SECTION 33, T 6 S, R 1 W, W.M.; 1870 FEET SOUTH AND 200 FEET EAST FROM NW CORNER, SECTION 34; 100 FEET SOUTH AND 550 FEET EAST FROM NW CORNER, DLC 46; 400 FEET SOUTH AND 330 FEET WEST FROM NE CORNER, DLC 45.

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

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 this Permit is as follows:

SW 1/4 NE 1/4	1.2 ACRES
SE 1/4 NE 1/4	18.3 ACRES
NE 1/4 SE 1/4	32.0 ACRES
NW 1/4 SE 1/4	15.2 ACRES
SE 1/4 SE 1/4	0.5 ACRE
SECTION 33	

SW 1/4 NW 1/4	6.0 ACRES
NW 1/4 SW 1/4	16.8 ACRES
SECTION 34	
TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.	

Actual construction work shall begin on or before February 3, 1993, and shall be completed on or before October 1, 1994. Complete application of the water to the use shall be made on or before October 1, 1995.

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 rights for maintaining instream flows.

Issued this date, FEBRUARY 3, 1992.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

Application 70560
Basin 2
70560.SCB

Water Resources Department
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PERMIT 51400
District 16