

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DONALD POND
14215 HIGHWAY 47
CARLTON, OREGON 97111

503-662-4678

to use the waters of NORTH YAMHILL RIVER, a tributary of YAMHILL RIVER, for NURSERY OPERATIONS ON 42.9 ACRES.

This Permit is issued approving Application 70211. The date of priority is MARCH 2, 1990. The use is limited to not more than 1.78 CUBIC FEET PER SECOND (CFS), or its equivalent in case of rotation, measured at the point of diversion from the source, provided further that the use allowed herein, together with use under Permit 49232 shall not exceed 1.78 CFS. **The use authorized herein shall be limited to the period November 1 through April 30 of each year.**

The point of diversion is located as follows:

NW 1/4 NW 1/4, SECTION 16, T 3 S, R 4 W, W.M.; 550 FEET SOUTH AND 1150 FEET EAST FROM NW CORNER, SECTION 16.

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. 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 SE 1/4 11.1 ACRES
SE 1/4 SE 1/4 20.1 ACRES
SECTION 9
SW 1/4 SW 1/4 0.4 ACRE
SECTION 10
NE 1/4 NE 1/4 7.1 ACRES
NW 1/4 NE 1/4 4.2 ACRES
SECTION 16

TOWNSHIP 3 SOUTH, RANGE 4 WEST, W.M.

Actual construction work shall begin on or before June 1, 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 prior rights for maintaining instream flows.

Issued this date, JUNE 1, 1992.

/s/ MARTHA O. PAGEL

Water Resources Department
Martha O. Pagel
Director