

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BAILEY NURSERIES, INC.
9855 N.W. PIKE ROAD
YAMHILL, OREGON 97148

503-662-3244

to use the waters of the NORTH YAMHILL RIVER, an UNNAMED DRAINAGE DITCH and an UNNAMED INTERMITTENT TRIBUTARY OF NORTH YAMHILL RIVER, ALL BEING tributaries of the YAMHILL RIVER, and KATZ FARM RESERVOIR TO BE CONSTRUCTED UNDER APPLICATION R-73260, PERMIT R-11492 for AGRICULTURAL USE AND IRRIGATION OF 206.1 ACRES.

This permit is issued approving Application 73261. The date of priority is FEBRUARY 24, 1993. The use is limited to not more than 3.34 CUBIC FEET PER SECOND AND 575.0 ACRE-FEET STORED WATER FOR IRRIGATION AND AGRICULTURAL USE, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SW 1/4 NW 1/4, SE 1/4 NW 1/4, SECTION 33, NW 1/4 NW 1/4, SECTION 34, T 3 S, R 4 W, W.M.; NORTH YAMHILL RIVER - 1360 FEET SOUTH AND 770 FEET EAST, UNNAMED DRAINAGE DITCH - 1850 FEET SOUTH AND 2390 FEET EAST, BOTH FROM THE NORTHWEST CORNER OF SECTION 33; UNNAMED INTERMITTENT TRIBUTARY OF THE NORTH YAMHILL RIVER - 1320 FEET SOUTH AND 680 FEET EAST FROM THE NORTHWEST CORNER OF SECTION 34.

The amount of water used for agricultural use 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.

Irrigation from live flow is allowed from March 1 through April 30. Irrigation from stored water is allowed from March 1 through October 31. Agricultural use from live flow is allowed from November 1 through April 30. Agricultural use from stored water is allowed year round.

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:

NE 1/4 NE 1/4	9.8 ACRES
NW 1/4 NE 1/4	30.5 ACRES
SW 1/4 NE 1/4	19.4 ACRES
SE 1/4 NE 1/4	11.5 ACRES
NE 1/4 NW 1/4	33.1 ACRES
NW 1/4 NW 1/4	3.7 ACRES
SW 1/4 NW 1/4	17.9 ACRES
SE 1/4 NW 1/4	37.0 ACRES
NE 1/4 SW 1/4	12.8 ACRES
NW 1/4 SW 1/4	3.9 ACRES
NE 1/4 SE 1/4	0.6 ACRE
NW 1/4 SE 1/4	16.2 ACRES

SECTION 33

"CERTIFICATE NO.

76523
~~76459~~

NW 1/4 NW 1/4 9.1 ACRES
 SW 1/4 NW 1/4 0.6 ACRES

SECTION 34
 TOWNSHIP 3 SOUTH, RANGE 4 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- 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.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

Actual construction work shall begin on or before July 29, 1995 and shall be completed on or before October 1, 1996. Complete application of water shall be made on or before October 1, 1997.

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 Commission found the proposed uses of water described by this permit, as conditioned, would not impair or be detrimental to the public interest at its July 22, 1994 Commission meeting.

Issued this date, July 29, 1994.

/s/ MARTHA O. PAGEL
 Water Resources Department
 Martha O. Pagel
 Director

Application 73261 Water Resources Department
 Basin 2 Vol 12 N.Yamhill River & Misc.

PERMIT 51527
 District 16