

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

THIS PERMIT IS HEREBY ISSUED TO

WESTERN INTERNATIONAL NURSERY GROWERS, INC.
PO BOX 351
13237 SE 312TH AVENUE
BORING, OREGON 97009

503-663-7341

to use the waters of AN UNNAMED RESERVOIR CONSTRUCTED UNDER PERMIT R-11538, a tributary of NORTH FORK DEEP CREEK, for NURSERY OPERATIONS ON 21.7 ACRES.

This Permit is issued approving Application 70091. The date of priority is October 9, 1989. The use is limited to not more than 0.222 CUBIC FOOT PER SECOND NOT TO EXCEED 1.1 ACRE-FEET OF STORED WATER ONLY or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 NW 1/4, SECTION 5, T 2 S, R 4 E, W.M.; 92 FEET NORTH AND 925 FEET WEST FROM THE C 1/4 CORNER OF SECTION 5.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for NURSERY OPERATIONS 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 made at anytime 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.

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

SW 1/4 NE 1/4 1.0 ACRE
SE 1/4 NW 1/4 18.7 ACRES
SE 1/4 NW 1/4 2.0 ACRES
SECTION 5
TOWNSHIP 2 SOUTH, RANGE 4 EAST, 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.
- 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.

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- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

Actual construction work shall begin on or before April 24, 1996 and shall be completed on or before October 1, 1997. Complete application of water shall be made on or before October 1, 1998.

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.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date, April 24, 1995.

/s/ MARTHA O. PAGEL

Water Resources Department
Martha O. Pagel
Director