

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

MARGARET M BAILEY, JAMES FRITZ, TOMAS J CAMPBELL, VIRGINIA K BARTCH &  
JONATHAN BARTCH, AS COTRUSTEES, GORDON BAILEY REVOCABLE LIVING TRUST  
DATED NOVEMBER 9, 1989 AS AMENDED (DAVID C HAUGEBERG, AGENT)  
14301 WALLACE RD SE  
DAYTON, OREGON 97114

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-73279

SOURCE OF WATER: WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER  
PERMITS R-1625 AND R-5363, AND LAMBERT SLOUGH, TRIBUTARIES OF WILLAMETTE  
RIVER

PURPOSE OR USE: NURSERY OPERATIONS ON 195.5 ACRES, BEING PRIMARY  
IRRIGATION OF 28.1 ACRES, SUPPLEMENTAL IRRIGATION OF 167.4 ACRES AND  
AGRICULTURAL USE

RATE OF USE: 3.0 CUBIC FEET PER SECOND FROM LIVE FLOW, AND 489.0 ACRE-  
FEET PER YEAR STORED WATER ONLY

PERIOD OF ALLOWED USE: Water from live flow for AGRICULTURAL USE may be  
appropriated year-round. The use of water for Irrigation from live flow  
is allowed March 1 through June 30 and from September 1 through October  
31. The use of water for Irrigation from stored water is allowed March  
1 through October 31 or as may be further limited by the Bureau of  
Reclamation water supply contract.

DATE OF PRIORITY: MARCH 11, 1993

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SECTION 3, NW 1/4 NW 1/4,  
SECTION 10, T5S, R3W, W.M.; POD 1 - 430 FEET NORTH & 80 FEET EAST FROM  
THE SW CORNER OF LOT 5; POD 2 - 550 FEET SOUTH & 100 FEET EAST FROM THE  
SE CORNER OF DLC 52

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.

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## THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 SW 1/4	2.6 ACRES	13.2 ACRES
	SECTION 3	
NW 1/4 SE 1/4	5.5 ACRES	9.8 ACRES
SW 1/4 SE 1/4	1.4 ACRES	5.6 ACRES
SE 1/4 SE 1/4		21.4 ACRES
	SECTION 4	
NE 1/4 NE 1/4		21.6 ACRES
NW 1/4 NE 1/4		17.9 ACRES
SW 1/4 NE 1/4	12.4 ACRES	14.2 ACRES
NE 1/4 NW 1/4	1.5 ACRES	16.5 ACRES
NW 1/4 NW 1/4	0.6 ACRE	10.6 ACRES
SW 1/4 NW 1/4	1.3 ACRES	3.8 ACRES
SE 1/4 NW 1/4	2.5 ACRES	13.9 ACRES
	SECTION 9	
NW 1/4 NW 1/4	0.3 ACRE	18.9 ACRES
	SECTION 10	
TOWNSHIP 5 SOUTH, RANGE 3 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 use of water under this permit is subject to the terms and conditions of Water Service Contract No. 5-07-10-W1030 or a satisfactory replacement between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

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.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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

**STANDARD CONDITIONS**

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

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 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.

Actual construction work shall begin on or before September 11, 1997 and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

This permit is issued to correctly describe the permit number and the irrigation season. Permit 51937, dated September 11, 1996 is superseded by this instrument and is of no further force or effect.

Issued September 25, 1996

  
Water Resources Department  
Martha O. Pagel  
Director

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Basin 02 Volume 17, Lambert Slough & Misc.  
MGMT.CODES 1BF, 1BW

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District 16