

STATE OF OREGON

COUNTY OF Marion

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

A AND R SPADA FARMS
7251 ST PAUL HWY NE
ST PAUL, OREGON 97137

(503) 633-2941

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-72041

SOURCE OF WATER: CHAMPOEG CREEK AND RESERVOIR, CONSTRUCTED UNDER PERMIT R-4964, TRIBUTARIES OF WILLAMETTE RIVER

PURPOSE OR USE: AGRICULTURAL USE (NURSERY OPERATIONS) ON 173.3 ACRES

RATE OF USE: 11.0 CUBIC FOOT PER SECOND FROM LIVE FLOW AND STORED WATER UNDER PERMIT R-4964.

PERIOD OF ALLOWED USE: YEAR ROUND FROM STORED WATER ONLY AND NOVEMBER 1 THROUGH JUNE 30 FROM CHAMPOEG CREEK

DATE OF PRIORITY: NOVEMBER 25, 1991

POINTS OF DIVERSION (POD) LOCATIONS: SE 1/4 NE 1/4, NE 1/4 SE 1/4, SECTION 22, SW 1/4 NW 1/4, SECTION 23, T4S, R2W, W.M.; POD 1 - 1670 FEET NORTH & 520 FEET WEST, POD 2 - 390 FEET NORTH & 1205 FEET WEST, POD 3 - 470 FEET SOUTH & 1315 FEET WEST, POD 4 - 1710 FEET NORTH & 60 FEET EAST, ALL FROM THE SW CORNER OF B. KENNEDY DLC 48

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 SECTION 14	4.6 ACRES
SE 1/4 SE 1/4 SECTION 15	12.9 ACRES
NE 1/4 NE 1/4	17.2 ACRES
SW 1/4 NE 1/4	9.6 ACRES
SE 1/4 NE 1/4	6.4 ACRES
SE 1/4 NW 1/4	2.8 ACRES
NE 1/4 SW 1/4	18.6 ACRES
NE 1/4 SE 1/4	12.4 ACRES
NW 1/4 SE 1/4	30.8 ACRES
SW 1/4 SE 1/4	0.8 ACRES
SE 1/4 SE 1/4 SECTION 22	8.2 ACRES

7/21/91
Assigned
REMOVED. See Minn. Reg. 714.8 FORM 144

NE 1/4 NW 1/4	0.5 ACRE
NW 1/4 NW 1/4	24.6 ACRES
SW 1/4 NW 1/4	18.7 ACRES
NW 1/4 SW 1/4	5.2 ACRES

SECTION 23

TOWNSHIP 4 SOUTH, RANGE 2 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.

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.

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.

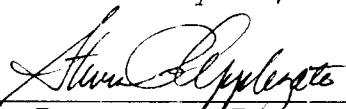
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 within one year from permit issuance 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.

Issued February 23, 1996



for Water Resources Department
Martha O. Pagel
Director