

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BAILEY NURSERIES, INC.
9855 NW PIKE RD
YAMHILL, OREGON 97148

(503) 662-3244

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

APPLICATION FILE NUMBER: S-81298

SOURCE OF WATER: FIDEL BROTHERS IRRIGATION RESERVOIR, CONSTRUCTED UNDER PERMIT R-5378, A TRIBUTARY OF SALT CREEK

PURPOSE OR USE: IRRIGATION OF 60.0 ACRES AND AGRICULTURAL USE ON 5.0 ACRES FOR NURSERY OPERATIONS

MAXIMUM RATE/VOLUME ALLOWED: 64.0 ACRE-FEET EACH YEAR

PERIOD OF USE: JULY 1 THROUGH SEPTEMBER 30

DATE OF PRIORITY: JULY 23, 1996

POINT OF DIVERSION LOCATION: SE 1/4 NE 1/4, SE 1/4 SE 1/4, SECTION 31, T2S, R4W, W.M.; RESERVOIR (POD A) - 250 FEET NORTH & 1500 FEET WEST; SALT CREEK (POD B) - 1960 FEET SOUTH & 2260 FEET WEST, BOTH FROM THE SE CORNER OF PERKINS DLC 55

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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>IRRIGATION</u>	<u>AGRICULTURAL USE</u>
SW 1/4 SE 1/4	0.1 ACRE	
SE 1/4 SE 1/4	10.0 ACRES	
SECTION 31		

Application S-81298 Water Resources Department

PERMIT 53123

	<u>IRRIGATION</u>	<u>AGRICULTURAL USE</u>
SW 1/4 SW 1/4	1.9 ACRES	
SECTION 32		
TOWNSHIP 2 SOUTH, RANGE 4 WEST, W.M.		
NW 1/4 NW 1/4	6.0 ACRES	
SECTION 5		
NE 1/4 NE 1/4	32.4 ACRES	3.0 ACRES
NW 1/4 NE 1/4	9.6 ACRES	2.0 ACRES
SECTION 6		
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.
- 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.
- 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.

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.

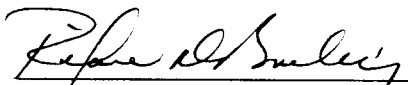
Application S-81298 Water Resources Department

PERMIT 53123

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. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued May 7, 1997


for Water Resources Department
Director

Application S-81298	Water Resources Department	PERMIT 53123
Basin 02	Volume 12 NORTH YAMHILL RIVER AND MISC.	District 16
GH	MGMT.CODE	