

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RON HOCHSTEIN  
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CORNELIUS, OREGON 97113

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

APPLICATION FILE NUMBER: S-80558

SOURCE OF WATER: AN UNNAMED STREAM, RESERVOIR #1, CONSTRUCTED UNDER PERMITS R-4735, R-5144, R-5756, AND R-11154, AND RESERVOIR #2A CONSTRUCTED UNDER PERMIT R-12430

PURPOSE OR USE: NURSERY OPERATIONS (IRRIGATION AND AGRICULTURE USE) ON 24.4 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 1.05 CUBIC FEET PER SECOND FROM THE UNNAMED STREAM; 19.0 ACRE-FEET (AF) FROM RESERVOIR 2A; AND 28.65 AF FROM RESERVOIR 1 BEING 15.0 AF FROM RESERVOIR 1 CONSTRUCTED UNDER PERMIT R-11154 FOR IRRIGATION AND AGRICULTURE USE FOR NURSERY OPERATIONS, AND 13.65 AF FROM RESERVOIR 1, CONSTRUCTED UNDER PERMITS R-4725, R-5144, AND R-5756, FOR IRRIGATION USE FOR NURSERY OPERATIONS

PERIOD OF USE: LIVE FLOW - DECEMBER 1 THROUGH APRIL 30. STORED WATER - YEAR ROUND

DATE OF PRIORITY: AUGUST 3, 1995, FOR 1.05 CFS FROM AN UNNAMED STREAM, 28.65 AF FROM RESERVOIR #1, AND 5.0 AF FROM RESERVOIR #2A. MARCH 24, 1997, FOR 14.0 AF FROM RESERVOIR #2A

POINT OF DIVERSION LOCATION: SE 1/4 NW 1/4, SECTION 28, T1S, R3W, W.M.; POD RESERVOIR 2A - 330 FEET NORTH AND 2320 FEET EAST FROM W 1/4 CORNER, SECTION 28, RESERVOIR #1 - 2320 FEET SOUTH AND 1675 FEET EAST FROM THE NW CORNER OF SECTION 28, STREAM - 90 FEET NORTH AND 2350 FEET EAST FROM THE W 1/4 CORNER OF SECTION 28.

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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Water Resources Department

PERMIT 53342

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>UNNAMED STREAM, RES.2A</u>	<u>UNNAMED STREAM</u>
	<u>&amp; RES. 1 (R-4735,</u>	<u>RES.2A &amp; RES. 1</u>
	<u>R-5144, R-5756)</u>	<u>(R-4735, R-5144,</u>
		<u>R-5756, R-11154)</u>
NE 1/4 NW 1/4		0.6 ACRE
NW 1/4 NW 1/4	4.0 ACRES	1.9 ACRES
SW 1/4 NW 1/4	5.3 ACRES	12.5 ACRES
SE 1/4 NW 1/4		0.1 ACRE

SECTION 28  
TOWNSHIP 1 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.
- 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.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream, namely the Tualatin River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

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

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee may submit evidence that the Oregon Department of Fish and Wildlife has determined screens are not necessary. The required screens are to be

in place, functional, and approved by Oregon Department of Fish and Wildlife before diversion of any water.

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

**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.

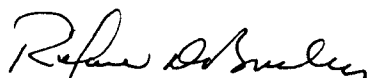
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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. Complete application of the water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued February 25, 1998



Water Resources Department  
Director

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