

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID GLENN AND SUSAN JEAN DUNCAN  
10315 MONITOR-MCKEE ROAD NE  
WOODBURN, OREGON 97071

PHONE: (503) 981-3275

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

APPLICATION FILE NUMBER: S-81071

SOURCE OF WATER: AN UNNAMED SPRING, A TRIBUTARY OF SPRING VALLEY CREEK,  
WITHIN THE WILLAMETTE BASIN

PURPOSE OR USE: DOMESTIC USE FOR ONE HOUSEHOLD INCLUDING IRRIGATION LAWN  
AND NON-COMMERCIAL GARDEN NOT TO EXCEED ½ ACRE IN AREA AND IRRIGATION  
AND AGRICULTURAL USE ON 55.0 ACRES

MAXIMUM RATE/VOLUME ALLOWED: NOT TO EXCEED 0.16 CUBIC FOOT PER SECOND  
(CFS) AT ANY ONE TIME, BEING 0.01 CFS FOR DOMESTIC USE INCLUDING  
IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED ½ ACRE IN  
AREA AND 0.16 CFS FOR IRRIGATION AND AGRICULTURAL USE ON 55.0 ACRES

PERIOD OF USE: YEAR ROUND FOR DOMESTIC USE INCLUDING IRRIGATION OF UP TO  
ONE-HALF ACRE LAWN AND NON-COMMERCIAL GARDEN, MARCH 1 THROUGH JUNE 30  
AND SEPTEMBER 1 THROUGH OCTOBER 31 FOR IRRIGATION AND SEPTEMBER 1  
THROUGH JUNE 30 FOR AGRICULTURAL USE

DATE OF PRIORITY: APRIL 15, 1996

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SECTION 23, T6S, R4W, W.M.;  
300 FEET NORTH & 790 FEET WEST FROM SE CORNER, SECTION 23

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:

NE 1/4 SE 1/4 16.0 ACRES  
SW 1/4 SE 1/4 9.0 ACRES  
SE 1/4 SE 1/4 30.0 ACRES INCLUDING DOMESTIC  
SECTION 23  
TOWNSHIP 6 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.

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, namely an unnamed spring, a tributary of Spring Valley Creek, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

#### 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.

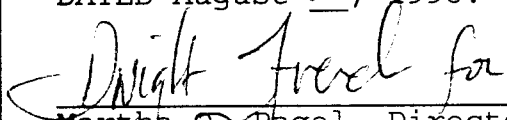
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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. Complete application of 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).

DATED August 21, 1998.

  
Martha ~~O~~ Pagel, Director  
Water Resources Department