

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GLENN WALTERS NURSERY INC.
GLENN A. WALTERS
PO BOX 280
BANKS, OREGON 97106

(503)693-1125

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

APPLICATION FILE NUMBER: S-84061

SOURCE OF WATER: WEST FORK DAIRY CREEK, A TRIBUTARY OF DAIRY CREEK

PURPOSE OR USE: AGRICULTURAL USE ON 69.6 ACRES

MAXIMUM RATE ALLOWED: 3.34 CUBIC FEET PER SECOND

PERIOD OF USE: DECEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: FEBRUARY 8, 1999

POINT OF DIVERSION LOCATION: NE 1/4 NE 1/4, SECTION 18, T1N, R3W,
W.M.; 650 FEET SOUTH & 530 FEET WEST FROM NE CORNER, SECTION 18

The amount of water used for AGRICULTURAL USE is limited to a
diversion of 0.15 cubic foot per second per acre.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NE 1/4 0.6 ACRE
NE 1/4 SE 1/4 16.5 ACRES
NW 1/4 SE 1/4 4.6 ACRES
SW 1/4 SE 1/4 10.4 ACRES
SE 1/4 SE 1/4 30.2 ACRES

SECTION 7

NE 1/4 NE 1/4 7.2 ACRES
NW 1/4 NE 1/4 0.1 ACRE

SECTION 18

TOWNSHIP 1 NORTH, 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.

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 or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

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 by September 30, 2000. Complete application of the water to the use shall be made on or before October 1, 2003. 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 December 2 , 1999


Martha O. Pagel, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

Application S-84061 Water Resources Department
Basin 2 Volume 20A W FK DAIRY CR
AMH

PERMIT 53630
District 18