

STATE OF OREGON

COUNTY OF Washington

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LOEN NURSERY CO
18710 SW PACIFIC DRIVE
SHERWOOD, OREGON 97140

(503)625-6170

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

APPLICATION FILE NUMBER: S-72588

SOURCE OF WATER: CUMMINGS DITCH AND RESERVOIRS A, B, AND C, CONSTRUCTED UNDER APPLICATION R-72587, PERMIT R-12759, TRIBUTARIES OF TUALATIN RIVER

PURPOSE OF USE: NURSERY OPERATIONS ON 17.6 ACRES

RATE: 36.0 ACRE-FEET FROM RESERVOIRS A, B, AND C, BEING 12.0 AF FROM RES A, 10.4 AF FROM RES B, AND 13.6 AF FROM RES C; AND 0.2177 CUBIC FOOT PER SECOND FROM CUMMINGS DITCH

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

DATE OF PRIORITY: July 30, 1992

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 21, T 2S, R1E, W.M.

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, during the period of allowed use specified above, 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 SW 1/4 16.6 ACRES
NW 1/4 SW 1/4 1.0 ACRES
SECTION 21
TOWNSHIP 2 SOUTH, RANGE 1 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.

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

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.

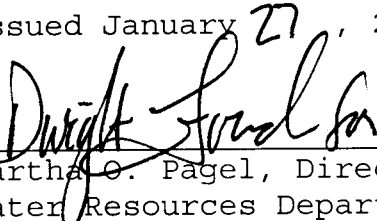
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 January 27, 2001. Complete application of the water to the use shall be made on or before October 1, 2004. 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 January 27, 2000


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-72588
Basin 02
AMH

Water Resources Department
Volume
MGMT.CODE 3EW

PERMIT 53640
District 18