

STATE OF OREGON

COUNTY OF LANE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVE DANIEL
PLEASANT HILL NURSERY
35462 SUNNY HILL LANE
PLEASANT HILL, OREGON 97455

PHONE: (541) 746-7178

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

APPLICATION FILE NUMBER: S-84064

SOURCE OF WATER: COAST FORK WILLAMETTE RIVER AND WILLAMETTE BASIN STORAGE PROJECTS, CONSTRUCTED UNDER PERMIT R-1625, TRIBUTARY TO THE WILLAMETTE RIVER

PURPOSE OR USE: NURSERY OPERATIONS ON 88.06 ACRES; FURTHER LIMITED TO IRRIGATION OF CONTAINERIZED NURSERY STOCK ON 88.06 ACRES DURING THE PERIOD DESCRIBED BELOW

MAXIMUM RATE/VOLUME ALLOWED: 2.2 CUBIC FEET PER SECOND FOR NURSERY OPERATIONS AND 220.15 ACRE-FEET FOR IRRIGATION OF CONTAINERIZED NURSERY STOCK

PERIOD OF USE: NURSERY OPERATIONS: DECEMBER 1 THROUGH APRIL 30 FROM LIVE FLOW ONLY
IRRIGATION OF CONTAINERIZED NURSERY STOCK: MARCH 1 THROUGH OCTOBER 31 FROM STORED WATER ONLY

DATE OF PRIORITY: FEBRUARY 10, 1999

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SECTION 20, T18S, R2W, W.M.; 1560 FEET NORTH & 690 FEET EAST FROM NW CORNER, BOWMAN DLC 78

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

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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 6.4 ACRES
 SW 1/4 SW 1/4 10.2 ACRES
 SE 1/4 SW 1/4 39.1 ACRES
 NW 1/4 SE 1/4 0.2 ACRE
 SW 1/4 SE 1/4 5.7 ACRES

SECTION 20

NE 1/4 NW 1/4 15.16 ACRES
 NW 1/4 NW 1/4 11.3 ACRES

SECTION 29

TOWNSHIP 18 SOUTH, RANGE 2 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.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

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 use of water under this right is subject to the terms and conditions of contract No. 8-07-10-W1209, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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.

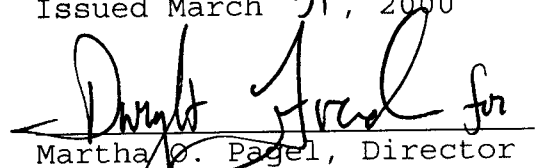
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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 February 28, 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 March 31, 2000


Martha E. 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.

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AMH MGMT.CODE 1BF 1BW 3EW

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District 2