

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

J FRANK SCHMIDT AND SON CO
PO BOX 189
BORING, OR 97009

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

APPLICATION FILE NUMBER: S-86276

SOURCE OF WATER: BARLOW NORTH RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-86275, PERMIT R-14225, A TRIBUTARY OF NETTER CREEK

PURPOSE OR USE: NURSERY USE ON 312.3 ACRES

MAXIMUM VOLUME: 9.0 ACRE FEET EACH YEAR

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: APRIL 26, 2005

POINT OF DIVERSION LOCATION: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 19, T4S, R1E, W.M.; 650 FEET SOUTH & 1450 FEET EAST FROM NW CORNER, SECTION 19

The amount of water used for nursery use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made at any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 22.1 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 11.0 ACRES
SECTION 18

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 13.8 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 23.9 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 19.1 ACRES

NE ¼ NW ¼ 33.3 ACRES
 SE ¼ NW ¼ 40.0 ACRES
 SE ¼ SW ¼ 17.3 ACRES
 NE ¼ SE ¼ 36.8 ACRES
 NW ¼ SE ¼ 25.0 ACRES
 SW ¼ SE ¼ 38.0 ACRES
 SE ¼ SE ¼ 32.0 ACRES

SECTION 19

TOWNSHIP 4 SOUTH, RANGE 1 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the water user shall install a meter or other suitable measuring device as approved by the Director. The water user 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 water user to report general water use information, including the place and nature of use of water under the permit.
- B. The water user 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.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2010. If the water is not completely applied before this date, and the water user wishes to continue development under the permit, the water user must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the water user shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued November 3, 2005


Phillip C. Ward, Director
Water Resources Department

