

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ARTHUR SPADA
7251 SAINT PAUL HWY NE
SAINT PAUL, OR 97137

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

APPLICATION FILE NUMBER: S-86640

SOURCE OF WATER: RESERVOIR 2, ENLARGED UNDER APPLICATION R-86639,
A TRIBUTARY OF GRIBBLE CREEK

PURPOSE OR USE: NURSERY USE ON 228.3 ACRES

MAXIMUM VOLUME: 34.0 ACRE FEET EACH YEAR

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JULY 20, 2006

POINT OF DIVERSION LOCATIONS:

POD A: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 21, T4S, R1E, W.M.; 720 FEET SOUTH AND
1360 FEET EAST FROM NW CORNER, ANDREW E GRIBBLE DLC 41

POD B: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 21, T4S, R1E, W.M.; 1000 FEET SOUTH AND
1350 FEET EAST FROM NW CORNER, ANDREW E GRIBBLE DLC 41

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:

NE ¼ SW ¼ 17.2 ACRES
 SE ¼ SW ¼ 15.0 ACRES
 NE ¼ SE ¼ 5.7 ACRES
 NW ¼ SE ¼ 34.5 ACRES
 SW ¼ SE ¼ 35.1 ACRES
 SE ¼ SE ¼ 5.9 ACRES
 SECTION 21

NW ¼ NE ¼ 14.0 ACRES
 SW ¼ NE ¼ 6.4 ACRES
 NE ¼ NW ¼ 33.6 ACRES
 NW ¼ NW ¼ 13.3 ACRES
 SW ¼ NW ¼ 24.2 ACRES
 SE ¼ NW ¼ 13.2 ACRES
 NE ¼ SW ¼ 0.2 ACRE
 NW ¼ SW ¼ 10.0 ACRES
 SECTION 28

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

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the meter(s) in good working order.
- B. The permittee shall allow the watermaster access to the meter(s); provided however, where any meter 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.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

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 in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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, 2012. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee 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 permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued December 13, 2007

Phillip C. Ward for

Phillip C. Ward, Director
Water Resources Department