

STATE OF OREGON  
COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

DEVIN COOPER; ALLDEVALE PROPERTIES LLC  
25571 S BARLOW RD  
CANBY OR 97013

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

APPLICATION FILE NUMBER: S-87905

SOURCE OF WATER: TAFFY'S POND CONSTRUCTED UNDER PERMIT R-14882 AND  
BETTY'S POND CONSTRUCTED UNDER PERMIT R-14883

PURPOSE OR USE: NURSERY USES ON 24.1 ACRES

MAXIMUM VOLUME: 24.0 ACRE FEET (AF) BEING 11.0 AF FROM TAFFY'S POND AND 13.0  
AF FROM BETTY'S POND

DATE OF PRIORITY: JUNE 4, 2013

Use	Period
Nursery Uses	January 1 - December 31

**Authorized Point of Diversion:**

	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
TAFFY'S POND	5 S	1 E	WM	18	SW NE	2080 FEET SOUTH AND 1375 FEET WEST FROM NE CORNER, SECTION 18
BETTY'S POND	5 S	1 E	WM	18	SE NE	1625 FEET SOUTH AND 1290 FEET WEST FROM NE CORNER, SECTION 18

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.

**Authorized Place of Use:**

NURSERY USES							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	1 E	WM	7	SW SE			2.2
5 S	1 E	WM	7	SE SE			0.40
5 S	1 E	WM	18	NE NE			1.90
5 S	1 E	WM	18	NW NE			16.30
5 S	1 E	WM	18	SW NE			3.30

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, and maintain the meter(s) in good working order.
- B. The permittee shall allow the watermaster access to the meter(s); where a 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The water user shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

#### STANDARD CONDITIONS

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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, shall be followed.
7. Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the

permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

8. Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

**This permit is issued to correctly describe the place of use location. Permit S-54830, dated September 26, 2013, is superseded by this instrument and is of no further force or effect.**

Issued OCTOBER 22 2013.



E. Timothy Wallin, Water Rights Program Manager  
for Phillip C. Ward, Director