

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WARREN BEAN
1905 SE 10TH AVE
PORTLAND OR 97214

RAYMON J. NEUSCHWANDER
6097 S WHISKEY HILL RD
HUBBARD, OREGON 97032

This superseding permit is issued to describe an amendment for a change in point of appropriation and change in place of use proposed under Permit Amendment Application T-11931 and approved by Special Order Vol. 98, Pages 1056-1058, entered March 11, 2016, and to describe an extension of time for complete application of water approved May 11, 2012, and a partial assignment to a new permittee approved August 2, 2014, and a partial assignment to a new permittee approved December 15, 2014 and a partial assignment to a new permittee approved January 25, 2016. This permit supersedes Permit S-52692.

THE SPECIFIC LIMITS FOR THE USE ARE LISTED BELOW ALONG WITH CONDITIONS OF USE.

APPLICATION FILE NUMBER: S-80803

SOURCE OF WATER: AN UNNAMED RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION R-80804, PERMIT R-11955, A TRIBUTARY OF THE PUDDING RIVER

PURPOSE OR USE: AGRICULTURAL USE AND IRRIGATION OF 48.1 ACRES (NURSERY OPERATIONS)

MAXIMUM RATE/VOLUME ALLOWED: 165.75 ACRE-FEET

PERIOD OF USE: IRRIGATION FROM MARCH 1 THROUGH OCTOBER 31 WITH AGRICULTURAL USE YEAR ROUND

DATE OF PRIORITY: JANUARY 3, 1996

POINT OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 E	WM	31	NW SW	570 FEET SOUTH AND 830 FEET EAST FROM THE W1/4 CORNER OF SECTION 31

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 of the year 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:

AGRICULTURE USES AND IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 E	WM	31	NE NW	5.8
4 S	1 E	WM	31	NW NW	13.1
4 S	1 E	WM	31	SW NW	16.5
4 S	1 E	WM	31	SE NW	5.2
4 S	1 E	WM	31	NW SW	4.7
4 S	1 E	WM	31	SW SW	2.8
Total:					48.1

PERMIT AMENDMENT T-11931 CONDITIONS:

The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

EXISTING CONDITIONS:

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.

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 was to begin within one year from permit issuance, August 21, 1997, and shall be completed on or before October 1, 2016. Complete application of the water to the use shall be made on or before October 1, 2016.

Issued March 11, 2016.



Dwight French, Water Right Services Administrator, for
Thomas M. Eyler, Director
Oregon Water Resources Department