

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GEORGE C. AND LUCETTE A. WILDER
19806 BUTTEVILLE RD NE
HUBBARD, OR 97032

NURSERY HOLDINGS LLC
21871 SW CHEHALIS CT
TUALATIN, OR 97062

ROGERS ASSOCIATES OREGON;
GEORGE ROGERS
PO BOX 3789
BRISTOL, TN 37625

This superseding permit is issued to describe a Split a Permit, approved by Special Order Volume 103, Page 823, entered on JAN 31 2017, an amendment for a change in point of appropriation and additional points of appropriation proposed under Permit Amendment Application T-9950 and approved by Special Order Vol. 71, Page 795, entered May 8, 2007, and to describe extensions of time for complete application of water approved July 14, 2005, and July 22, 2016, and assignments to new permittees approved February 24, 2005, February 2, 2007, August 24, 2010, and October 23, 2015. This permit together with Permits G-17691 and G-17692, supersedes Permit G-13570.

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

APPLICATION FILE NUMBER: G-14605

SOURCE OF WATER: WELLS 2, 3 AND 7 IN RYAN CREEK BASIN

PURPOSE OR USE: NURSERY OPERATIONS ON 30.1 ACRES

MAXIMUM RATE: 0.76 CUBIC FEET PER SECOND (cfs), being a cumulative total from Well 2, Well 3 (limited to 0.33 cfs) and Well 7 during the time period September 1 to June 30 of each year, and a total not to exceed 0.25 cfs from Well 7 during the time period July 1 to August 31 of each year.

PERIOD OF USE: SEPTEMBER 1 THROUGH JUNE 30 FROM WELLS 2, and 3;
YEAR-ROUND FROM WELL 7

DATE OF PRIORITY: SEPTEMBER 11, 1997

POINT OF DIVERSION LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 W	WM	19	NE SW	WELL 2 - 3360 FEET NORTH AND 2040 FEET EAST FROM THE SE CORNER OF DLC 71
4 S	1 W	WM	19	NW SE	WELL 3 - 3340 FEET NORTH AND 2730 FEET EAST FROM THE SE CORNER OF DLC 71
4 S	1 W	WM	19	NW SE	WELL 7 - 1860 FEET NORTH AND 3580 FEET EAST FROM THE SW CORNER OF SECTION 19

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:

Well #	Twp	Rng	Mer	Sec	Q-Q	Acres
7	4 S	1 W	WM	19	NE SW	4.0
2	4 S	1 W	WM	19	NE SW	4.9
7	4 S	1 W	WM	19	SE SW	0.4
2	4 S	1 W	WM	19	SE SW	0.1
7	4 S	1 W	WM	19	NW SE	16.9
3	4 S	1 W	WM	19	NW SE	0.4
7	4 S	1 W	WM	19	SW SE	0.9
3	4 S	1 W	WM	19	SW SE	2.5
Total						30.1

Permit Amendment T-9950 Conditions:

Water shall be acquired from the same aquifer as the original points of appropriation.

If, during construction of proposed Well 7, it becomes apparent that the well can be constructed to minimize hydraulic connection with surface water and shallow wells in a manner other than specified in the permit, the permit holder can contact the Ground Water/Hydrology Section to request a modification of the permit condition.

The permittee shall submit, in writing, a rough well log and a proposed construction design for approval by the Department. The well construction conditions can only be modified if the request is received and reviewed prior to placement of any permanent casing or sealing material. If proposed well 7 is constructed first and then the request made, the modification shall not be granted.

Extension of Time Conditions:

The July 22, 2016 extension of time is to be the last extension of time granted for this permit. Any future extensions of time requests will be denied.

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2020 and 2025.**

- a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

Original 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, 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.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

1. Use of water from the well(s), as allowed herein, shall be controlled or shut off if the well displays:

- a) An average water level decline of three or more feet per year for five consecutive years;
or
 - b) A total water level decline of fifteen or more feet; or
 - c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
2. The water user shall install a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.
 3. The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.
 - a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.
 - b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
 - c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permittee/appropriator.
 - d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

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.

