

STATE OF OREGON

COUNTY OF LANE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KING ESTATE WINERY, INC.
80854 TERRITORIAL HWY
EUGENE, OREGON 97405

This correcting superseding permit is issued to describe an amendment for additional points of appropriation and a change in place of use proposed under Permit Amendment Application T-12367 and approved by Special Order Vol. 108, Page 673, entered June 11, 2018, and to describe an extension of time for complete application of water approved August 9, 2013. This permit supersedes Permit G-12896.

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13645

SOURCE OF WATER: SEVENTEEN WELLS AND A SUMP/RESERVOIR IN NORTH FORK SIUSLAW RIVER BASIN WITHIN THE MID COAST BASIN

PURPOSE OR USE: NURSERY OPERATIONS (BEING AGRICULTURAL USE AND IRRIGATION) ON 412.0 ACRES AND INDUSTRIAL USE

MAXIMUM RATE: NOT TO EXCEED A CUMULATIVE TOTAL OF 1.27 CUBIC FEET PER SECOND AT ANY ONE TIME FOR IRRIGATION, AGRICULTURAL USE AND INDUSTRIAL USE

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION
YEAR ROUND FOR AGRICULTURAL USE AND INDUSTRIAL USE

DATE OF PRIORITY: MARCH 17, 1994

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
20 S	5 W	WM	1	SE SE	WELL 1 (LANE 2325) – 4587 FEET SOUTH AND 1679 FEET EAST FROM THE NW CORNER OF SECTION 1
20 S	5 W	WM	1	SE SE	WELL 2 (LANE 2326) – 4263 FEET SOUTH AND 1014 FEET EAST FROM THE NW CORNER OF SECTION 1
20 S	5 W	WM	2	SE SE	WELL 3 – 2555 FEET SOUTH AND 60 FEET WEST FROM THE NE CORNER OF SECTION 2
20 S	5 W	WM	1	SE SE	WELL 4 – 4346 FEET SOUTH AND 715 FEET EAST FROM THE NW CORNER OF SECTION 1
20 S	5 W	WM	2	SE SE	WELL 5 – 4982 FEET SOUTH AND 312 FEET WEST FROM THE NE CORNER OF SECTION 2
19 S	5 W	WM	35	SE SE	WELL 7 – 285 FEET NORTH AND 1240 FEET WEST FROM THE SE CORNER OF SECTION 35
19 S	5 W	WM	35	SW SE	WELL 8 – 460 FEET NORTH AND 1525 FEET WEST FROM THE SE CORNER OF SECTION 35
20 S	5 W	WM	1	SW NW	WELL 23 – 2510 FEET SOUTH AND 910 FEET EAST FROM THE NW CORNER OF SECTION 1
20 S	5 W	WM	1	SW NW	WELL 24 – 1770 FEET SOUTH AND 1135 FEET EAST FROM THE NW CORNER OF SECTION 1
20 S	5 W	WM	1	NW NW	WELL 25 – 1285 FEET SOUTH AND 650 FEET EAST FROM THE NW CORNER OF SECTION 1
20 S	5 W	WM	2	NE NE	WELL 26 – 610 FEET SOUTH AND 25 FEET WEST FROM THE NW CORNER OF SECTION 1
20 S	5 W	WM	2	NW NE	WELL 27 – 320 FEET SOUTH AND 1630 FEET WEST FROM THE NW CORNER OF SECTION 1
20 S	5 W	WM	2	SW NE	WELL 28 – 2330 FEET SOUTH AND 1335 FEET WEST FROM THE NW CORNER OF SECTION 1
20 S	5 W	WM	2	NE SE	WELL 29 – 1910 FEET NORTH AND 960 FEET WEST FROM THE SE CORNER OF SECTION 2
20 S	5 W	WM	2	SE SE	WELL 30 – 780 FEET NORTH AND 105 FEET WEST FROM THE SE CORNER OF SECTION 2
20 S	5 W	WM	1	SW SW	WELL 31 – 70 FEET NORTH AND 665 FEET EAST FROM THE SE CORNER OF SECTION 2
20 S	5 W	WM	1	SESW	WELL 32 – 325 FEET NORTH AND 1445 FEET EAST FROM THE SE CORNER OF SECTION 2

SUMP/RESERVOIR LOCATION

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
20 S	5 W	WM	2	SE SE	4982 FEET SOUTH AND 312 FEET WEST FROM THE NE CORNER OF SECTION 2

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 any time 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 acres feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION, AGRICULTURAL AND INDUSTRIAL USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
19 S	5 W	WM	35	SE SW	4.6
19 S	5 W	WM	35	NE SE	11.8
19 S	5 W	WM	35	NW SE	12.9
19 S	5 W	WM	35	SW SE	36.6
19 S	5 W	WM	35	SE SE	8.5
20 S	5 W	WM	1	NW NW	5.8
20 S	5 W	WM	1	SW NW	2.4
20 S	5 W	WM	1	NW SW	4.4
20 S	5 W	WM	1	SW SW	36.3
20 S	5 W	WM	1	SE SW	17.9
20 S	5 W	WM	2	NE NE	38.2
20 S	5 W	WM	2	NW NE	35.6
20 S	5 W	WM	2	SW NE	11.5
20 S	5 W	WM	2	SE NE	20.0
20 S	5 W	WM	2	NE NW	8.3
20 S	5 W	WM	2	NE SE	38.2
20 S	5 W	WM	2	NW SE	11.9
20 S	5 W	WM	2	SW SE	0.2
20 S	5 W	WM	2	SE SE	24.3
20 S	5 W	WM	11	NE NE	4.3
20 S	5 W	WM	11	SE NE	4.7
20 S	5 W	WM	12	NE NW	15.0
20 S	5 W	WM	12	NW NW	40.0
20 S	5 W	WM	12	SW NW	12.3
20 S	5 W	WM	12	SE NW	6.3
Total					412.0

Permit Amendment T-12367 Conditions

Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flowmeter, or, with prior approval of the Director, another suitable measuring device at each new point of appropriation.
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

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

Existing Permit 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 wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter. 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.

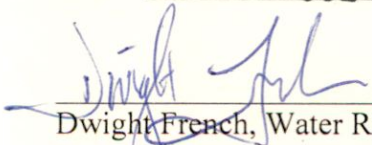
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

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 of the well was to begin within one year from permit issuance (October 28, 1996), and was to be completed on or before October 1, 1998. The complete application of water to the use was to be made on or before October 1, 1999. By Extension of Time Final Order dated August 9, 2013, the completion of construction and application of water was extended to on or before October 1, 2020.

Issued **JUL 30 2018**



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