

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GLENN WALTERS NURSERY, INC. (SHEFFLIN FARM)
PO BOX 280
BANKS, OREGON 97106

(503) 693-1125

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

APPLICATION FILE NUMBER: G-14045

SOURCE OF WATER: A WELL IN DAIRY CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 5.1 ACRES AND AGRICULTURAL USE ON 74.1 ACRES

MAXIMUM RATE OF USE: 0.4 CUBIC FOOT PER SECOND (CFS) TOTAL, BEING NOT MORE THAN 0.06 CFS FOR IRRIGATION OR 0.4 CFS FOR AGRICULTURAL USE.

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION; YEAR ROUND FOR AGRICULTURAL USE.

DATE OF PRIORITY: APRIL 21, 1995

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SECTION 15, T1N, R3W, W.M.; 20 FEET NORTH AND 780 FEET WEST FROM THE SE CORNER OF DLC 44.

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:

	<u>IRRIGATION</u>	<u>AGRICULTURAL</u>
NE 1/4 SW 1/4	0.5 ACRE	7.7 ACRES
NW 1/4 SW 1/4		6.2 ACRES
SW 1/4 SW 1/4		31.6 ACRES
SE 1/4 SW 1/4	4.6 ACRES	22.7 ACRES
	SECTION 15	

Application G-14045 Water Resources Department

PERMIT G-13030

SE 1/4 SE 1/4

0.8 ACRE

SECTION 16

TOWNSHIP 1 NORTH, RANGE 3 WEST, W.M.

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.

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.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

Limited Water Level Decline/Interference Condition

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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.

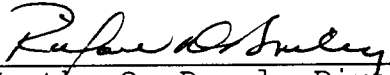
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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.

SEE NEXT PAGE

Actual construction of the well shall begin within one year from permit issuance. Complete application of water to the use shall be made on or before October 1, 2001.

Issued July 22, 1997



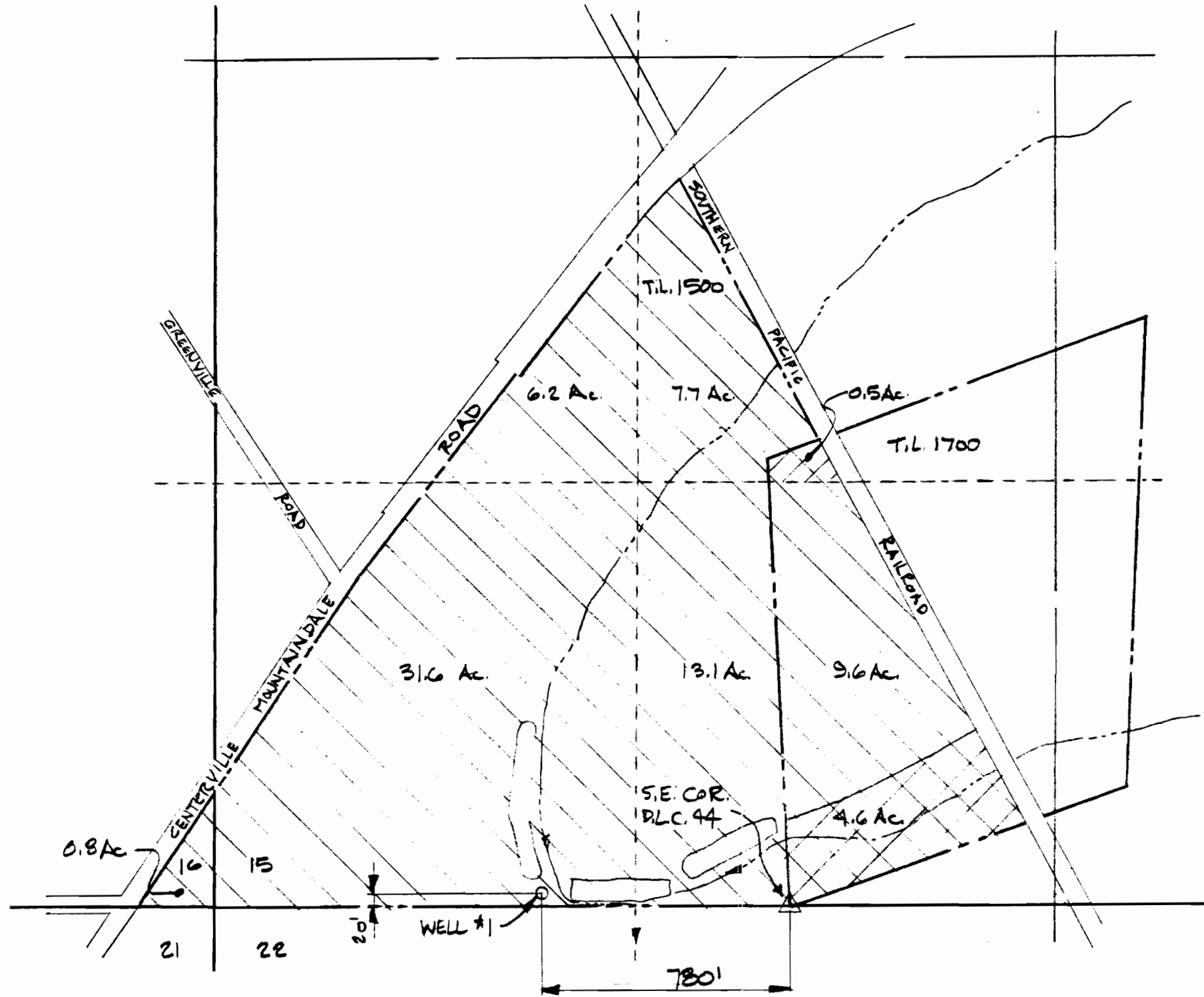
Martha O. Pagel, Director
Water Resources Department

Application G-14045
Basin 02

Water Resources Department
Volume 20 Dairy Creek & Misc.
MGMT.CODES 7BG, 7BR, 7DG, 7DR

PERMIT G-13030
District 18

SECTION 15 & 16, T. 1 N., R. 3 W., W. M.
WASHINGTON COUNTY, OREGON

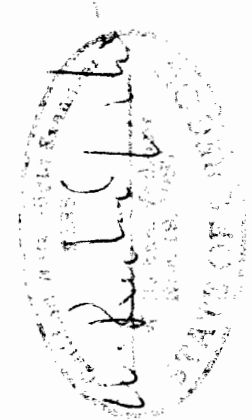


SCALE: 1" = 400'

MAP BASE:
ASSESSORS MAP
TVID MAP

- AGRICULTURAL USE
- IRRIGATION

PROJECT NO. G-14045
 SHEET NO. 113030



PREPARED BY THIS FIRM AS PER THE
 PLAN AND SPECIFICATIONS AND TO THE BEST OF
 OUR KNOWLEDGE AND BELIEF IN ACCORDANCE
 WITH THE PROFESSIONAL ENGINEERING ACT
 OF OREGON, CHAPTER 317, SECTION 317.000
 PROPERTY OF VERBOORT ENGINEERING

WATER RIGHT APPLICATION MAP

GLENN WALTERS NURSERY, INC.
P.O. BOX 280, BANKS, OR 97106
SHEFFLIN FARM

designed	WRV	4.14.95
drawn	JBR	4.14.95
checked	WRV	4.14.95
drawing no.	95-B-05	
sheet no.	1/1	

VERBOORT ENGINEERING
 AGRICULTURE - CIVIL - WATER RESOURCES
 HILLSBORO, OREGON

STATE OF OREGON

COUNTY OF Washington

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GLENN WALTERS NURSERY, INC.
PO BOX 280
BANKS, OREGON 97106

(503) 693-1125

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

APPLICATION FILE NUMBER: R-80211

SOURCE OF WATER: TWO UNNAMED DRAINAGE WAYS AND TILE DRAINS, TRIBUTARIES TO DAIRY CREEK

STORAGE FACILITY: TWO UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-80212, PERMIT #52052 FOR AGRICULTURAL USE (NURSERY OPERATIONS).

VOLUME OF USE: 13.0 ACRE-FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH APRIL 30 OF EACH YEAR

DATE OF PRIORITY: APRIL 21, 1995

THE AREA SUBMERGED BY RESERVOIR #2, WHEN FULL, WILL BE 0.63 ACRE AND THE MAXIMUM DEPTH OF WATER WILL BE 9.0 FEET. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 0.0 FOOT.

THE AREA SUBMERGED BY RESERVOIR #3, WHEN FULL, WILL BE 0.66 ACRE AND THE MAXIMUM DEPTH OF WATER WILL BE 9.0 FEET. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 0.0 FOOT.

DAM LOCATION: SW 1/4 SW 1/4, SE 1/4 SW 1/4, SECTION 15, T1N, R3W, W.M.; RESERVOIR #2 - 100 FEET NORTH & 1000 FEET EAST; RESERVOIR #3 - 130 FEET NORTH & 1500 FEET EAST; BOTH FROM THE SW CORNER OF SECTION 15

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED WITHIN THE SW 1/4 SW 1/4 AND SE 1/4 SW 1/4, SECTION 15, TOWNSHIP 1 NORTH, RANGE 3 WEST, W.M.

SEE NEXT PAGE

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.

The permittee will be required to comply with state and federal water quality standards.

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

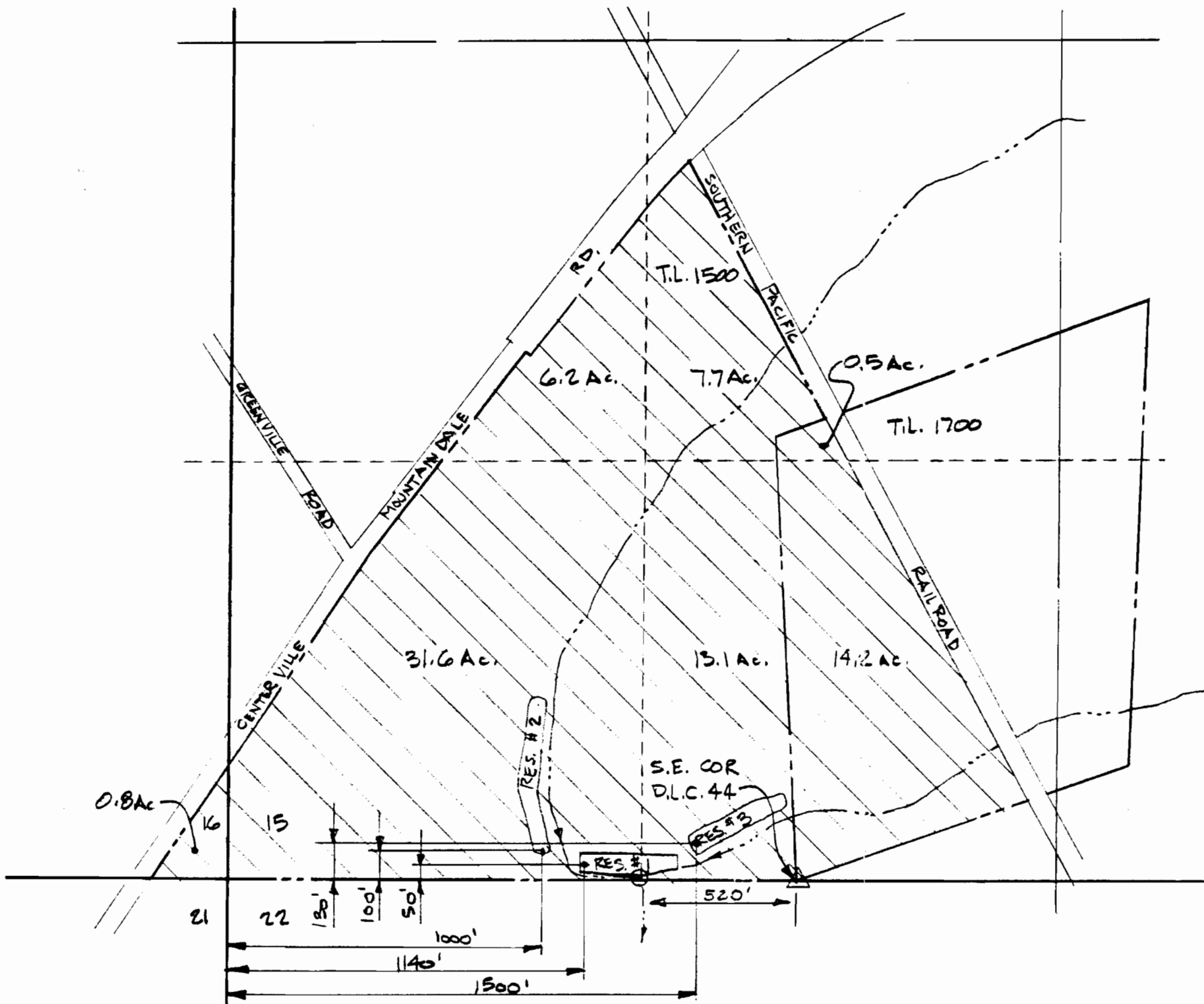
The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1999.

Issued April 26, 1996


for Martha O. Pagel, Director
Water Resources Department

SECTION 15 & 16 T.1N., R.3W., W.M.
WASHINGTON COUNTY, OREGON

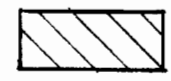


WATER RIGHT APPLICATION MAP

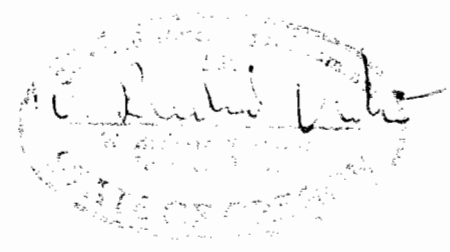


SCALE: 1" = 400'

MAP BASE:
ASSESSORS MAP



AGRICULTURAL
USE



PREPARED BY THE ENGINEER FOR THE
PURPOSE OF APPLYING FOR A WATER RIGHT
THE WATER RIGHT IS SUBJECT TO THE
TO PROTECT THE PUBLIC INTERESTS
PROPERLY TO BE MAINTAINED

Application No. R-80211

Permit No. 111750

designed	drawn	checked	by	date
WRV	JER	WRV	WRV	4-14-95
				4-14-95
				4-14-95
drawing no. 95-B-06			sheet no. 1/1	

VERBOORT ENGINEERING
AGRICULTURE-CIVIL-WATER RESOURCES
HILLSBORO, OREGON

GLENN WALTERS NURSERY, INC.
P.O. BOX 280, BANKS, OR 97106
SHEFFLIN FARM

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GLENN WALTERS NURSERY, INC.
PO BOX 280
BANKS, OREGON 97106

(503) 693-1125

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

APPLICATION FILE NUMBER: S-80212

SOURCE OF WATER: TWO UNNAMED DRAINAGE WAYS, TILE DRAIN AND TWO UNNAMED RESERVOIRS TO BE CONSTRUCTED UNDER APPLICATION R-80211, PERMIT R-11750 TRIBUTARIES OF DAIRY CREEK

PURPOSE OR USE: AGRICULTURAL USE OF 74.1 ACRES

RATE/VOLUME OF USE: 8.02 CFS FROM LIVE FLOW AND 13.0 ACRE-FEET OF STORED WATER ONLY

PERIOD OF ALLOWED USE: DECEMBER 1 THROUGH APRIL 30 FROM LIVE FLOW AND YEAR ROUND FROM STORED WATER ONLY

DATE OF PRIORITY: April 21, 1995

POINT OF DIVERSION LOCATIONS: SW 1/4 SW 1/4, SE 1/4 SW 1/4, SECTION 15, T1N, R3W, W.M.; RESERVOIR #2 - 100 FEET NORTH & 1000 FEET EAST; RESERVOIR #3 - 130 FEET NORTH & 1500 FEET EAST; BOTH FROM THE SW CORNER OF SECTION 15; LIVE FLOW - 520 FEET WEST OF THE SE CORNER OF DLC 44

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4 8.2 ACRES
NW 1/4 SW 1/4 6.2 ACRES
SW 1/4 SW 1/4 31.6 ACRES
SE 1/4 SW 1/4 27.3 ACRES
SECTION 15

SE 1/4 SE 1/4 0.8 ACRE
SECTION 16

TOWNSHIP 1 NORTH, RANGE 3 WEST, W.M.

SEE NEXT PAGE

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.

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 permittee will be required to comply with state and federal water quality standards.

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 shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued April 26, 1996


for Martha O. Pagel, Director
Water Resources Department

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GLENN A. WALTERS
GLENN WALTERS NURSERY INC.
P.O. BOX 280
BANKS, OREGON 97106

PHONE: (503) 693-1125

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

APPLICATION FILE NUMBER: S-83833

SOURCE OF WATER: ROY FARM RESERVOIR, CONSTRUCTED UNDER PERMIT R-10889,
TRIBUTARY TO DAIRY CREEK, AND RUNOFF

PURPOSE OR USE: NURSERY OPERATIONS ON 74.1 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 1.8 CUBIC FEET PER SECOND FROM RUNOFF AND
41.44 ACRE-FEET FROM ROY FARM RESERVOIR

PERIOD OF USE: MAY 1 THROUGH OCTOBER 1

DATE OF PRIORITY: MAY 20, 1998

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, NE 1/4 NW 1/4, SECTION 16,
T1N, R3W, W.M.; PUMP STATION POD: 920 FEET SOUTH AND 2330 FEET WEST, DAM
POD: 795 FEET SOUTH & 2663 FEET WEST BOTH FROM NE CORNER, SECTION 16

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, during the period of allowed use specified above, 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:

NE 1/4 SW 1/4 8.2 ACRES
NW 1/4 SW 1/4 6.2 ACRES
SW 1/4 SW 1/4 31.6 ACRES
SE 1/4 SW 1/4 27.3 ACRES
SECTION 15
SE 1/4 SE 1/4 0.8 ACRES
SECTION 16
TOWNSHIP 1 NORTH, RANGE 3 WEST, W.M.

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.

The use of water shall be limited to the water available at the proposed point of diversion, and shall not carry with it the right to compel the continuance of the waste water.

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.

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.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit

evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

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 shall begin by April 2, 2000. Complete application of water to the use shall be made on or before October 1, 2003. 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 April 2, 1999


 Martha O. Pagel, Director
 Water Resources Department

Application S-83833 Water Resources Department
 Basin 2 Volume 20A W FK DAIRY CREEK
 LKS MGMT.CODE

PERMIT 53552
 District 18