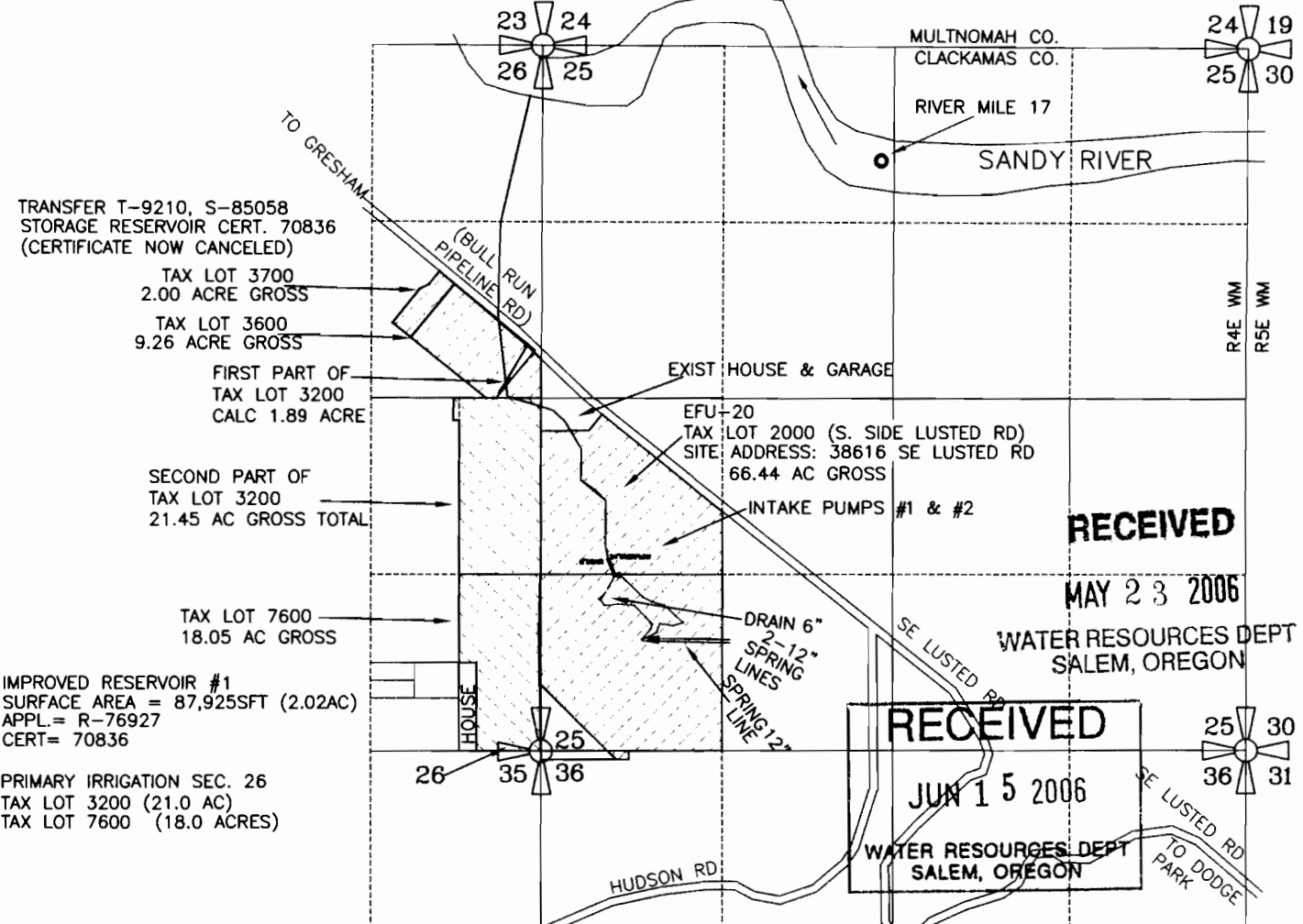


CORPORATE BOUNDARY LINE \_\_\_\_\_  
 DONATION LAND CLAIM (DLC #) - - - - -

W 1/2 of the SW 1/4 of SECTION 25, T1S, R4E of the WM  
 SE 1/4 of the NE 1/4 of SECTION 26, T1S, R4E of the WM  
 E 1/2 of the SE 1/4 of SECTION 26, T1S, R4E of the WM  
 NW 1/4 of the NW 1/4 of SECTION 36, T1S, R4E of the WM

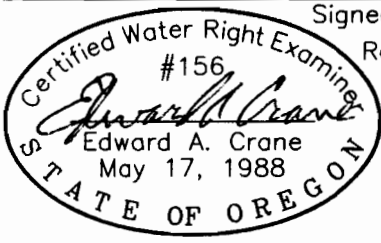


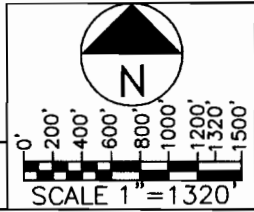
TRANSFER T-9210, S-85058  
 STORAGE RESERVOIR CERT. 70836  
 (CERTIFICATE NOW CANCELED)  
 TAX LOT 3700  
 2.00 ACRE GROSS  
 TAX LOT 3600  
 9.26 ACRE GROSS  
 FIRST PART OF  
 TAX LOT 3200  
 CALC 1.89 ACRE  
 SECOND PART OF  
 TAX LOT 3200  
 21.45 AC GROSS TOTAL  
 TAX LOT 7600  
 18.05 AC GROSS  
 IMPROVED RESERVOIR #1  
 SURFACE AREA = 87,925SFT (2.02AC)  
 APPL.= R-76927  
 CERT= 70836  
 PRIMARY IRRIGATION SEC. 26  
 TAX LOT 3200 (21.0 AC)  
 TAX LOT 7600 (18.0 ACRES)

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SEC.	1/4 1/4	ACRES IRRIG.	CFS (APPROX. GPM)
25	NW SW	28.50 AC IRRIG	0.3563 CFS (160 GPM)
25	SW SW	35.40 AC IRRIG	0.4425 CFS (199 GPM)
26	SE NE	11.90 AC IRRIG	0.1488 CFS (67 GPM)
26	NE SE	18.75 AC IRRIG	0.2340 CFS (105 GPM)
26	SE SE	16.50 AC IRRIG	0.2063 CFS (93 GPM)
36	NW NW	0.20 AC IRRIG	0.0025 CFS (1.12 GPM)
<b>TOTAL IRRIG.</b>		<b>111.25 ACRES</b>	<b>1.390 CFS (625 GPM)</b>

T2S 0 SOUTH SANDY 7.5 MIN. QUAD  
 LINE of SEC. 36 ASSESSOR MAP 1S 4E 25 & 36 INDEX  
 RESERVOIR APPLICATION R-76927 (UNDER HOUSE BILL-2153)  
 WAS FOR WILDLIFE USES ONLY. TRANSFER APPLICATION ADDED  
 IRRIGATION USES (GENERAL NURSERY USES & AGRICULTURAL USES)  
 APPL. R-86099 INCREASED STORAGE FROM 5 AC-FT TO 19 AC-FT  
 THIS APPLICATION INCREASES SURFACE WATER VOLUME USE FOR  
 IRRIGATION FROM 5 AC-FT TO 19 AC-FT & ADDS TL 3200 & 7600.  
 RESERVOIR INTAKES #1 & #2 are located 1300 FEET NORTH & 590FT  
 EAST from the SOUTHWEST CORNER of SECTION 25, TOWNSHIP 1  
 SOUTH, RANGE 4 EAST of the WM, CLACKAMAS COUNTY, OREGON

Signed 5/16/2006  
 Renewal 12/31/2007  




PREPARATION OF THIS MAP WAS FOR THE PURPOSE  
 OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS  
 ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS  
 OR LOCATION OF PROPERTY OWNERSHIP LINES.

**APPLICATION FOR A PERMIT  
 SURFACE WATER APPLICATION**  
 PREPARED BY EDWARD A. CRANE, CWRE

DATE  
 MAY 2006  
 PROJECT NO.  
 347-008



**CRANE ENGINEERING  
 & SURVEYING, INC.**  
 13755 SE 119TH DRIVE  
 CLACKAMAS, OREGON 97015  
 OFFICE: 503-698-3890  
 FAX NO: 503-698-3861  
 CELL: 503-679-3253  
 E-MAIL: eces@verizon.net

APPLICATION FOR PERMIT NUMBER S-86622  
 PERMIT NUMBER S- IN THE NAME OF:  
 DAN L. NELSON dba HANS NELSON  
 & SONS NURSERY, INC. TEL: 503-663-3348  
 31020 SE WAYBILL RD., BORING, OR 97009

SHEET  
 1/3



**Oregon Water Resources Department**  
 725 Summer Street NE, Suite A  
 Salem Oregon 97301-1271  
 (503) 986-0900  
 www.wrd.state.or.us

# Application for a Permit to Use Surface Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## 1. APPLICANT INFORMATION

### A. Individuals

Applicant: \_\_\_\_\_  
First Last

Mailing address: \_\_\_\_\_  
 \_\_\_\_\_  
City State Zip

Phone: \_\_\_\_\_  
Home Work Other

\*Fax: \_\_\_\_\_ \*E-Mail address: \_\_\_\_\_

### B. Organizations

*(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)*

Name of organization: HANS NELSON & SONS NURSERY, INC.

Name and title of person applying: DAN NELSON, PRESIDENT

Mailing address of organization: 31020 SE WAYBILL ROAD  
BORING OREGON 97009-9427  
City State Zip

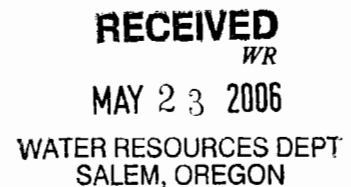
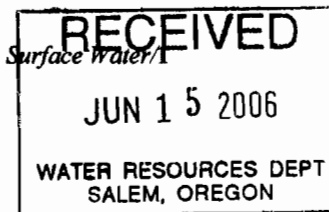
Phone: 503-663-3348  
Day Evening

\*Fax: 503-663-0138 \*E-Mail address: DNELSON@HANSNELSON.COM

\* Optional information

For Department Use		
App. No. <u>S-866002</u>	Permit No. _____	Date _____

Last updated 3/22/2006



**2. SOURCE AND PROPERTY OWNERSHIP**

**A. The Proposed Source of Water**

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: UN-NAMED TRIBUTARY Tributary to: SANDY RIVER  
Source 2: \_\_\_\_\_ Tributary to: \_\_\_\_\_  
Source 3: \_\_\_\_\_ Tributary to: \_\_\_\_\_  
Source 4: \_\_\_\_\_ Tributary to: \_\_\_\_\_

**B. Property Ownership**

Do you own all the land where you propose to divert, transport, and use water?

- Yes (Skip to section 3 "Water Use.")
- No (Please check the appropriate box below.)
  - I have a recorded easement or written authorization permitting access.
  - I do not currently have written authorization or easement permitting access.
  - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

List the names and mailing addresses of all affected landowners.

KIM ANN TOMLINSON, 38200 SE LUSTED ROAD, BORING, OR 97009  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

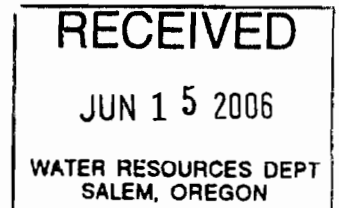
**3. WATER USE**

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

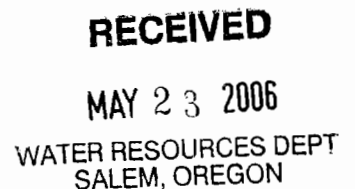
**A. Type(s) of Use(s)**

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: NONE
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**



Surface Water/2



5-86622

**B. Amount of Water**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

*(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)*

Source	Type of use	Amount
RESERVOIR #1	IRRIGATION	<input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
(SPRINGS)		<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
		<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
		<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

**C. Period of Use**

Indicate the time of year you propose to use the water:

GENERAL AGRICULTURAL USE: NOV. 1 TO END FEB.  
GENERAL NURSERY USES: MAR. 1 TO OCT. 31

*(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)*

**D. Acreage**

If you will be applying water to land, indicate the total number of acres where water will be applied or used:

111.25

*(This number should be consistent with your application map.)*

**4. WATER MANAGEMENT**

**A. Diversion**

What method will you use to divert water from the source?

Pump (give horsepower and pump type): END SUCTION CENTRIFUGALS: #1=7.5HP #2= 20HP

Head-gate (give dimensions): \_\_\_\_\_

Other means (describe): \_\_\_\_\_

**B. Monitoring**

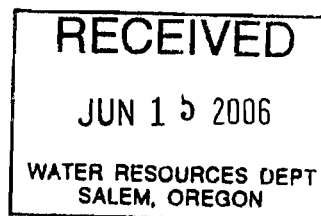
How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

Weir

Meter

Periodic Sampling

Other means (describe): \_\_\_\_\_



Surface Water/3

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**C. Transport**

How will you transport water to your place of use?

Ditch or canal (give average width and depth):

Width \_\_\_\_\_ Depth \_\_\_\_\_

Is the ditch or canal to be lined?  Yes  No

Pipe (give diameter and total length):

Diameter 2", 3" & 4" & 5" Length 3,000', 2,500' & 2,000' & 3,500'

Other (describe) \_\_\_\_\_

**D. Application/Distribution Method**

What equipment will you use to apply water to your place of use? BURIED PVC TRANSMISSION & DISRIBUTION PIPELINES, ROTATING RAINBIRD SPRINKLERS, DRIP IRRIGATION ETC.

Irrigation or land application method (check all that apply):

- Flood
- High-pressure sprinkler
- Low pressure sprinkler
- Drip
- Water cannons
- Center pivot system
- Hand lines
- Wheel lines
- Siphon tubes or gated pipe with furrows
- Other, describe \_\_\_\_\_

Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- Open canal

**E. Conservation**

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

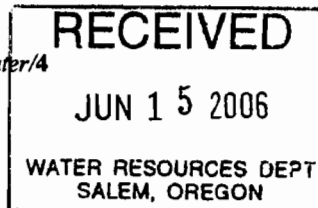
USE 1" TUNA CAN TO MEASURE THE VOLUME OF WATER APPLIED, USE AUTOMATIC IRRIGATION CONTROLLERS TO REDUCE OVER-WATERING, WATER MAINLY AT NIGHT AND EARLY MORNING TO REDUCE LOSS FROM EVAPORATION, USE DRIP IRRIGATION ETC.

**5. RESOURCE PROTECTION**

**A. Protection Practices**

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

Surface Water/4



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Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: RESERVOIR #1 IS FED FROM SPRINGS ONLY. INTAKES WILL HAVE SCREENS TO PROTECT STOCKED FISH.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: THE RESERVOIR IS COMPLETED NOW.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: THIS IS A MAN-MADE POND, & HAS BEEN LANDSCAPED / PLANTED WITH GRASS.

Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: THE POND IS SPRING FED & HAS NOT EROSION PROBLEMS.

Other: \_\_\_\_\_

## 6. PROJECT SCHEDULE

*Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.*

Proposed date construction will begin: RESERVOIR IS COMPLETED NOW.

Proposed date construction will be completed: SAME

Proposed date beneficial water use will begin: SAME

## 7. REMARKS

*If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.*

THE RESERVOIR WAS PREVIOUSLY ENLARGED & THIS APPLICATION IS TO INCREASE THE VOLUME FROM 5AF TO A TOTAL OF 19AF. ADDITIONAL LEASED LAND IS ADDED FOR IRRIGATION.

Surface Water/5

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**8. MAP REQUIREMENTS**

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

**9. SIGNATURE**

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

*Chris Nelson* President Nelson Nelson & Sons Nursery Inc \_\_\_\_\_  
 Signature of Applicant (If more than one applicant, all must sign) Date 5-22-06

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

WRD on the web:  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

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5-866000



Oregon Water Resources Department

FORM I

FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary  Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: \_\_\_\_\_ Acres

Secondary: 111.25 Acres

List the permit or certificate number of the primary water right:

R-14141  
RES. APPL. R-86099, PERMIT  
no. S-85058 (5AF)

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. GENERAL NURSERY USE  Full season  Partial season (from: MAR. 1 to OCT. 31)
- 2. GENERAL AGRICULTURAL USE  Full season  Partial season (from: NOV. 1 to END FEB.)
- 3. \_\_\_\_\_  Full season  Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
- 4. \_\_\_\_\_  Full season  Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

19 AF (14 AF NEW) acre-feet

(1 acre-foot equals 12 inches of water spread over one acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- Daily during daytime hours
- GREEN HOUSES ETC.**  
Daily during nighttime hours
- Two or three times weekly during daytime
- ESTABLISHED STOCK**  
Two or three times weekly during nighttime
- Weekly, during daytime hours
- Weekly, during nighttime hours
- Other, explain: \_\_\_\_\_

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# Crane Engineering & Surveying, Inc.

13755 S.E. 119th Drive  
Clackamas, OR 97015  
Office: (503) 698-3890  
Cell: (503) 679-3253  
FAX: (503) 698-3861  
Email: [eces@verizon.net](mailto:eces@verizon.net)

May 16, 2006

Oregon Water Resources Department  
Application and Permit Section  
725 Summer Street NE, Suite "A"  
Salem, Oregon 97301-1271

**SUBJECT: Dan Nelson doing business as Hans Nelson & Sons Nursery, Inc.**  
Surface Irrigation from Additional 14-af Storage in a Reservoir (S-85058 for 5-af)  
Reservoir Application R-86099; Permit R-14141 (Final Submitted for 19-af)  
Irrigation: Application for 1.390-cfs (625+/-gpm) on 111.25 Acres  
Properties are located at 38615 and 38200 SE Lusted Road  
TL 2000, W1/2 of SW 1/4 of Sec. 25 & NW of NW Sec. 36, T1S, R4E of WM  
TL 3200 & 7200 W 1/2 of SE 1/4 Section 26, T1S, R4E of WM (Tomlinson)  
TL 3700 & 3500 SE 1/4 of SE 1/4 Section 26, T1S, R4E of WM (Tomlinson)  
All in Clackamas County, Oregon

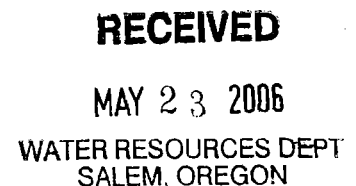
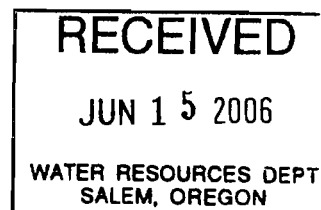
D:\CRANE ENGR & SURVEY\PROJECTS\347-008\347-008 OWRDI SURFACE.DOC

Ladies and Gentlemen:

Enclosed is the "Application for a Permit to Use Surface Water" from Dan Nelson doing business as (dba) **Hans Nelson & Sons Nursery, Inc.** They have already submitted a Claim of Beneficial Use and Site Report for adding an additional 14 ac-ft of storage. This application is for 14-af of surface water stored between the original permitted 5-af & the new total of 19-af stored, to be used on 65.90 acres of land located in the westerly 1/2 of the southwest 1/4 and in the Southeast 1/4 of the Northeast 1/4 of Section 26.

It is for both General Agricultural Uses (temperature control uses from November 1st to the end of February of each year & agricultural irrigation the rest of the year) and General Nursery Uses (from March 1st to October 31st of each year). Besides using irrigation water for residential lawns and landscaping, they will be using irrigation water for containerized (can) stock yards and for future greenhouses, shade houses and propagation houses.

They have two surface water pumps described in the previously submitted Claim of Beneficial Use for the reservoir. Irrigation water will be directly applied through a system of underground transmission and distribution pipelines with a combination of "Rainbird" and other rotating sprinklers. They will also use drip irrigation lines and "soaker" hoses when possible to conserve irrigation water.



S-86622

Hans Nelson & Sons Nursery, Inc.  
OWRD Surface Water Permit Application  
Page 2

Please contact the Dan Nelson at 503-663-3348 if you have any questions about their existing surface water pumps, recently enlarged reservoir and irrigation system. I'm available to answer any questions or concerns that you may have about the Surface Water Application and Maps and can be reached by telephone at 503-698-3890 and by Fax at 503-698-3861.

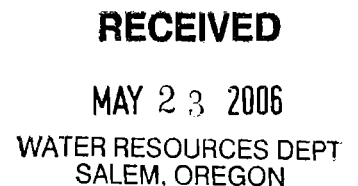
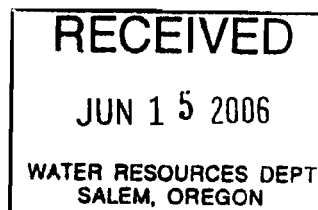
Sincerely,  
CRANE ENGINEERING & SURVEYING, INC.



Edward A. Crane, CWRE  
President

cc: Dan L. Nelson, President dba  
Hans Nelson & Sons Nursery, Inc.  
31020 SE Waybill Road  
Boring, OR 97009-9427

Tel: 503-663-3348  
Fax: 503-663-0138  
Cell: 503-310-9708  
E-Mail: [dnelson@hansnelson.com](mailto:dnelson@hansnelson.com)



**For Local Government Use Only**

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

**A. Allowed Use**

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 401. Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

**Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

**B. Approval**

Please provide printed name and written signature.

Name: Mike McCallister Date: 5-22-06  
 Title: PLANNER Phone: 503-353-4522  
 Signature: Mike McCallister

**C. Additional Comments**

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Note:** If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

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**Receipt for Request for Land Use Information**

Name of water right applicant: \_\_\_\_\_

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: \_\_\_\_\_

Staff contact: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**Oregon Water Resources Department  
Land Use Information Form**

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*This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.*

**To Be Completed By Applicant**

*The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.*

**A. Applicant**

Name: DAN NELSON

Address: 31020 SE WAYBILL ROAD

City: BORING State: OR Zip: 97009 Day Phone: 503-663-3348

**B. Land and Location**

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
TL 2000 SW 1/4 SEC.25, 1S 4E (EFU)		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
TL 3200 & 7600, SE 1/4, SEC.26, 1S, 4E		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
TL 3200 & 3600 SE 1/4 SE 1/4 SEC. 26, T1S, R4E		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
TL 3700 SE 1/4 SE 1/4 SEC. 26, T1S, R4E			<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. CLACKAMAS COUNTY

**C. Description of Water Use**

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): GENERAL NURSERY USES, GENERAL AGRICULTURAL USES

Briefly describe: EXISTING RESERVOIR #1, BURIED PVC TRANSMISSION & DISTRIBUTION PIPELINES, ROTATING RAINBIRD SPRINKLERS, 2 EXISTING END-SUCTION CENTRIFUGAL PUMPS, DRIP LINES & HAND-SET PIPELINES.

**RECEIVED**

JUN 15 2006

WATER RESOURCES DEPT  
SALEM, OREGON

**D. Source**

Indicate the source for the proposed water use:

Reservoir/Pond     Ground Water     Surface Water SPRINGS (source)

**E. Quantity**

Indicate the estimated quantity of water the use will require:

1.390  CFS     GPM     Acre-Foot



# HANS NELSON & SONS NURSERY, INC.

WHOLESALE GROWERS OF SHADE AND FLOWERING TREES

31020 S.E. WAYBILL RD. • BORING, OREGON 97009-9427

PHONE: (503) 663-3348

FAX (503) 663-0138



May 31, 2006

Oregon Water Resources  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, Oregon 97301

To Whom It May Concern:

The Land Use Information form I submitted to you did not list Tax Lot 3700, SE 1/4 SE 1/4 Section 26, T1S, R4E in Clackamas County.

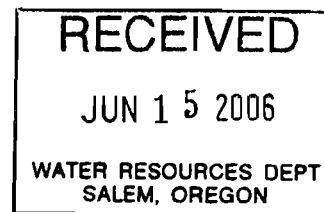
I talked with Mike McCallister, Clackamas County Planner to see if tax lot 3700 complies with the farming and irrigation uses I requested on the other tax lots. He said it does comply the same as the other tax lots listed on this form. I have added this tax lot to the form.

Should you have any questions you can contact me at 503-663-3348. Mike McCallister's number is 503-353-4522.

Sincerely,

Dan L. Nelson  
President

DLN:lbn  
Encl.





**HANS NELSON & SONS NURSERY, INC.**  
WHOLESALE GROWERS OF SHADE AND FLOWERING TREES  
31020 S.E. WAYBILL RD. • BORING, OREGON 97009-9427  
PHONE: (503) 663-3348  
FAX (503) 663-0138



June 14, 2006

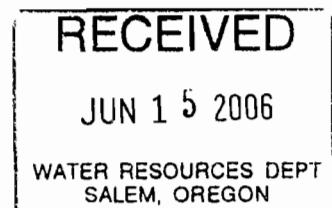
Oregon Water Resources  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, Oregon 97301

To Whom It May Concern:

The enclosed surface water application is being resubmitted for your review. This application was sent back to me on May 23, 2006 with a checklist of questions. The answers to these questions were completed by Edward A. Crane, CWRE. Mr. Crane's phone number is 503-698-3890, fax 503-698-3861. Mr. Crane believes all answers to your questions are found in this application.

Following is my attempt to add information to your questions:

1. Source of water. The water incoming to this lake comes from field tile lines that have been added to these properties. Springs also fill this structure. A well with application number 15710, permit G15436 will be drilled to add water to this lake. All this information can be found in S-85058 and storage reservoir certificate 70836 dated 9/22/04.
2. Amount of water from each source. All tile and spring water come into the lake underground. There is no way to tell how much comes from each source. The drilled well will have a meter that will show gallons per minute. This well has not been started at this time.
3. Legal descriptions. Ed Crane believes these are all enclosed. Please call Mr. Crane for further information you need regarding legal descriptions.
4. Lane use form. Please refer to my enclosed letter dated 5/31/06. I talked with Mike McCallister of Clackamas County. He remembers me and that he filled out the land use form. He agreed that the tax lot you questioned is approved for farm use.



5-84622

5. Maps. If these are not complete, please contact Mr. Crane.
6. Location of main canals, ditches and pipelines. We have no permanent delivery structures.

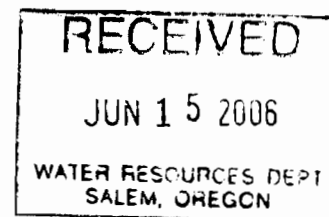
Mike McCord, District 20 water master, has observed this project. Perhaps he can help answer your questions.

Sincerely,



Dan L. Nelson  
President

DLN:lbn  
Enclosures



CONSENT TO ALLOW AN OREGON WATER RESOURCES DEPARTMENT  
 WELL / GROUNDWATER RIGHT APPLICATION TO BE APPLIED FOR ON MY  
 PROPERTY THAT LEASED TO THE NELSON NURSERY, P.O. BOX  
 (ADDRESS 7), CITY, OREGON 97209 (TEL: 503-663-3348 FAX: 503-663-0138)  
31020 SE WAYBILL ROAD, BORING, OR 97009-9427  
 I / WE ARE THE OWNERS OF TAX LOT       , NE 1/4 OF THE NE 1/4 OF SECTION  
      , TOWNSHIP        SOUTH, RANGE        EAST of the WILLAMETTE MERIDIAN,  
       COUNTY, OREGON.

38200 SE Lusted Rd, BORING, OR. 97009  
 STREET ADDRESS, IF ANY)

Kim Ann Tomlinson 4-25-2006  
 OWNER DATE

OWNER DATE

AS WITNESSES BY:



STATE OF OREGON } SS  
 COUNTY OF CLACKAMAS } SS

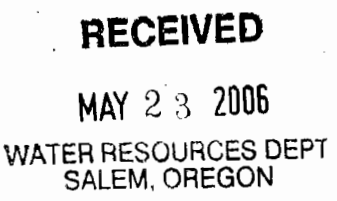
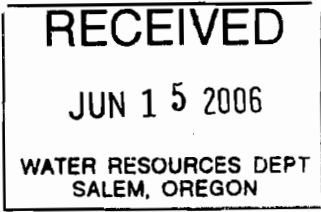
On April 25<sup>th</sup> 2006, ~~2005~~, PERSONALLY APPEARED THE ABOVE NAMED  
Kim A Tomlinson AND ACKNOWLEDGED THE  
 FOREGOING INSTRUMENT TO BE THEIR VOLUNTARY ACT AND DEED.

BEFORE ME: [Signature]  
 NOTARY PUBLIC FOR OREGON

STATE OF OREGON } SS  
 COUNTY OF CLACKAMAS } SS

On \_\_\_\_\_, 2005, PERSONALLY APPEARED THE ABOVE NAMED  
 AND ACKNOWLEDGED THE  
 FOREGOING INSTRUMENT TO BE THEIR VOLUNTARY ACT AND DEED.

BEFORE ME: \_\_\_\_\_  
 NOTARY PUBLIC FOR OREGON





# ODFW PUBLIC INTEREST REVIEW SHEET

Application #: 586622 Applicant's Name: Hans Nelson + Sans Nursery

1) Will the proposed use occur in an area that may affect the habitat of fish or wildlife species?

NO (Sign form and return)

YES Species: Spring & fall chinook, winter steelhead, coho  
Other: Cutthroat trout & Pacific lamprey reside in the  
Sandy River & could potentially be impacted

Stage or value at risk (check all that apply):  Spawning,  Incubation,  Rearing,  Passage,  Habitat Value

2) Will the proposed use result in a loss of habitat?  NO  YES potentially

3) Can conditions be applied to mitigate the impact to the loss of habitat?  NO  YES

Which conditions are recommended? (select from Menu of Conditions) If the full amount of storage  
is to be used, live flow should be bypassed around the  
reservoir so as to not impact downstream flow & water  
quality. Draining the reservoir & not allowing water to  
flow to the Sandy River may impact the habitat of  
listed species. WQ, riparian

4) If conditions cannot be identified to offset impacts to the habitat, would the proposed use harm the species?  NO  YES

If YES, please explain:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5) If WRD determines that it is in the public's interest to approve a permit even if the impact cannot be mitigated what conditions do you recommend? (select from Menu of Conditions)

WQ, riparian  
\_\_\_\_\_  
\_\_\_\_\_

6) Your recommendation:  Approval with conditions  
 Approval without conditions  
 Denial

ODFW Representative signature: Danotrol Francisco Date: 10-2-09

WRD Contact: Caseworker: Joel Plahn Water Rights Division, 503-986-0900 / Fax 503-986-0901

# ODFW PUBLIC INTEREST REVIEW SHEET

Application #: 586622 Applicant's Name: Hans Nelson + Sans Nursery

1) Will the proposed use occur in an area that may affect the habitat of fish or wildlife species?

NO (Sign form and return)

YES Species: Saring + Fall chinook, winter steelhead, coho, cutthroat trout + Pacific lamprey reside in the Sandy River + could potentially be impacted

Stage or value at risk (check all that apply):  Spawning,  Incubation  Rearing  Passage  Habitat Value

2) Will the proposed use result in a loss of habitat?  NO  YES potentially

3) Can conditions be applied to mitigate the impact to the loss of habitat?  NO  YES

Which conditions are recommended? (select from Menu of Conditions) If the full amount of storage is to be used, live flow should be bypassed around the reservoir so as to not impact downstream flow + water quality. Draining the reservoir + not allowing water to flow to the Sandy River may impact the habitat of listed species. WQ; riparian

4) If conditions cannot be identified to offset impacts to the habitat, would the proposed use harm the species?  NO  YES

If YES, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5) If WRD determines that it is in the public's interest to approve a permit even if the impact cannot be mitigated what conditions do you recommend? (select from Menu of Conditions)

WQ, riparian

6) Your recommendation:  Approval with conditions  
 Approval without conditions  
 Denial

ODFW Representative signature: Danotrol Francisco Date: 10-2-09

WRD Contact: Caseworker: Joel Plahn, Water Rights Division, 503-986-0900 / Fax 503-986-0901