

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

I SELI NURSERY  
ATTN: GREG ELWELL  
30590 SE KELSO ROAD  
BORING, OR 97009

**This 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-13802 and approved by Special Order Vol. 128, Page 385, entered May 17, 2023, an amendment for additional points of appropriation and a change in place of use proposed under Permit Amendment T-10751 and approved by Special Order Vol. 77, Page 443, entered March 25, 2009, and extension of time for complete application of water approved September 11, 2008, and July 29, 2016. This permit supersedes Permit G-11134.**

to use the waters of EIGHT WELLS in the TICKLE CREEK BASIN for NURSERY OPERATIONS ON 416.5 ACRES.

This permit is issued approving Application G-11241. The date of priority is MARCH 5, 1984. The use is limited to not more than 1650.0 GALLONS PER MINUTE (GPM), BEING 100 GPM FROM WELLS 1, 2, 3, 4, 5, 7, 8, 9, WELL OPTION A, WELL OPTION B, AND WELL OPTION C, 350 GPM FROM 1, 2, 3, 4, 5, 7, 8, 9, WELL OPTION A, WELL OPTION B, AND WELL OPTION C, 750 GPM FROM 1, 2, 3, 4, 5, 7, 8, 9, WELL OPTION A, WELL OPTION B, AND WELL OPTION C, 350 GPM FROM 1, 2, 3, 4, 5, 7, 8, 9, WELL OPTION A, WELL OPTION B, AND WELL OPTION C, AND 100 GPM FROM 1, 2, 3, 4, 5, 7, 8, 9, WELL OPTION A, WELL OPTION B, AND WELL OPTION C, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NE	WELL OPTION B - 105 FEET SOUTH AND 640 FEET WEST FROM THE NE CORNER OF SECTION 7
2 S	4 E	WM	7	SE NE	WELL OPTION C - 1345 FEET SOUTH AND 640 FEET WEST FROM THE NE CORNER OF SECTION 7
2 S	4 E	WM	7	NE NW	WELL 1 - 525 FEET SOUTH AND 2165 FEET EAST FROM THE NW CORNER OF SECTION 7
2 S	4 E	WM	7	NE NW	WELL 2 - 535 FEET SOUTH AND 2335 FEET EAST FROM THE NW CORNER OF SECTION 7
2 S	4 E	WM	7	NE NW	WELL 3 - 810 FEET SOUTH AND 2610 FEET EAST FROM THE NW CORNER OF SECTION 7

2 S	4 E	WM	7	NE NW	WELL 7 – 60 FEET SOUTH AND 2600 FEET EAST FROM THE NW CORNER OF SECTION 7
2 S	4 E	WM	8	SW NE	WELL 8 - 1360 FEET SOUTH AND 2330 FEET WEST FROM THE NE CORNER OF SECTION 8
2 S	4 E	WM	8	NE NW	WELL 4 – 1050 FEET SOUTH AND 1460 FEET EAST FROM THE NW CORNER OF SECTION 8
2 S	4 E	WM	8	NW NW	WELL 9 – 85 FEET SOUTH AND 1015 FEET EAST FROM THE NW CORNER OF SECTION 8
2 S	4 E	WM	8	NW NW	WELL OPTION A – 85 FEET SOUTH AND 485 FEET EAST FROM THE NW CORNER OF SECTION 8
2 S	4 E	WM	8	SE NW	WELL 5 – 2600 FEET SOUTH AND 2350 FEET EAST FROM THE NW CORNER OF SECTION 8

The amount of water used for Nursery Operations (OAR 690) is limited to a diversion 0.15 cubic foot per second per acre and 5.0 acre feet per acre. For 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 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 acre feet per acre during the irrigation season of each year.

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

A description of the proposed place of use under the permit is as follows:

NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	7	NE NE	35.4
2 S	4 E	WM	7	NW NE	18.6
2 S	4 E	WM	7	SW NE	10.2
2 S	4 E	WM	7	SE NE	39.5
2 S	4 E	WM	7	NE NW	34.7
2 S	4 E	WM	7	SE NW	27.8
2 S	4 E	WM	7	NE SW	33.5
2 S	4 E	WM	7	SE SW	14.4
2 S	4 E	WM	7	NW SE	24.6
2 S	4 E	WM	7	SW SE	0.8
2 S	4 E	WM	8	NW NE	1.6
2 S	4 E	WM	8	SW NE	35.6
2 S	4 E	WM	8	NE NW	16.3
2 S	4 E	WM	8	NW NW	26.6
2 S	4 E	WM	8	SW NW	35.3
2 S	4 E	WM	8	SE NW	29.6
2 S	4 E	WM	8	NE SW	28.4
2 S	4 E	WM	8	NW SW	3.6
Total					416.5

**Permit Amendment T-13802 Conditions:**

The combined quantity of water diverted at the new additional points of appropriation (Well Options A, B, and C), together with that diverted at the old points of appropriation (Wells 1-5, and 7-9), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 1-5, and 7-9).

Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).
- 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.

The former place of use shall no longer be irrigated as part of this permit.

**Permit Amendment T-10751 Conditions:**

The combined quantity of water diverted at the new points of appropriation, together with that diverted at the authorized points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

Prior to water use from the additional wells, the water user shall install and maintain a headgate(s), in-line flow meter(s), weir(s), or other suitable device(s) and shall keep a complete record of the amount of groundwater withdrawn.

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

The former places of use shall no longer be irrigated as part of this permit.

**Original Permit Conditions:**

The well 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 elevations in the well at all times. When required by the Department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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 data every ten years thereafter.

The original permit was issued November 13, 1990. Completion of construction was to be made on or before October 1, 1992, and complete application of the water to the use was to be made on or before October 1, 1993. By Extension of Time Final Order dated July 29, 2016, the deadline for complete application of water to the use was extended to October 1, 2023.


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.

Issued           MAY 17 2023          ;

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department