

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BARRY AND LEE ANN COOK  
37621 SE BEAR CREEK LANE  
BORING, OR 97009

This superseding permit is issued to describe a change in points of appropriation proposed under Permit Amendment Application T-14219 and approved by Special Order Vol. 129, Page 250, entered OCT 24 2023, and to describe an Extension of Time for complete application of water approved May 6, 2016. This permit supersedes Permit G-15579.

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

APPLICATION FILE NUMBER: G-16050

SOURCE OF WATER: WELL 3 IN BEAR CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 19.0 ACRES

MAXIMUM RATE: 0.67 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JULY 17, 2003

WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances
1 S	4 E	WM	26	SE SW	6500	WELL 3 - 140 FEET NORTH AND 1580 FEET EAST FROM THE SW CORNER OF SECTION 26

The amount of water used for irrigation use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for irrigation other than irrigation of an in-ground crop may be made at any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NURSERY USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	4 E	WM	26	SW SW	6.5
1 S	4 E	WM	26	SE SW	12.5
Total					19.0

**Permit Amendment T-14219 Conditions:**

The quantity of water diverted at the new point of appropriation (WELL 3) shall not exceed the quantity of water lawfully available at the original points of appropriation (WELL 1 and WELL 2).

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 new point of appropriation with the exception that water rights issued to the Bureau of Reclamation, or an irrigation district (or similar entity) are not subject to this condition.
- 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 (WELL 1 and WELL 2).

**Extension of Time Conditions:**

Last Extension Condition

This is to be the last extension of time granted for Permit G-15779. Any future extensions of time requests will be denied.

Permit Amendment Condition

By October 1, 2017 the permit holder must submit to the Department, an application for a Permit Amendment under ORS 537.211, for approval to authorize a change in the point of appropriation from the permitted Well 1 (CLAC 61407) described in Permit G-15779.

Well Construction Condition

The permit holder shall complete construction of Well 1, and submit to the Department a completed well log by October 1, 2020. This deadline shall not be extended.



### Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2020, 2025, 2030, and 2034.**

- (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 Permit Conditions:

#### **Measurement, Recording and Reporting Conditions:**

- A. Before water use may begin under this permit, the water user shall install a meter or other suitable measuring device as approved by the Director. The water user 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 water user to report general water use information, including the place and nature of use of water under the permit.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

#### **WELL CONDITIONS**

- 1. Ground water production shall be only from the Troutdale Sandstone ground water reservoir between approximately 250 feet and 420 feet below land surface.
- 2. Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway



in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

3. A. Use of water from the wells, as allowed herein, shall be regulated is the well displays:
  1. An average water-level decline of three or more feet per year for five consecutive years; or
  2. A total water-level decline of fifteen or more feet; or
  3. 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.
- B. The water user shall install a meter or other measuring device suitable to the Director, and shall keep a complete record of water uses.
- C. The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well.
  1. Use of water from a new well shall not begin until the initial water level in the well has been measured. A measurement of initial water level shall be made at the time a pump is installed, but before pumping begins.
  2. In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year at the time of spring high water during the period March 15 through April 15.
  3. All water level measurements shall be made by a qualified individual. Qualified individuals include certified water rights examiners, licensed water well drillers, registered geologists, registered professional engineers, registered land surveyors, licensed well constructor, pump installer licensed by the Construction Contractors Board, or the water user.
  4. 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.
  5. The water user 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 received not later than 30 days from the date of measurement. The Department shall determine



when any of the declines cited in section 3(a) are evidenced by the well measurement required in section 3(c).

### STANDARD CONDITIONS

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Proposed Final Order and Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

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.

The well(s) 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.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

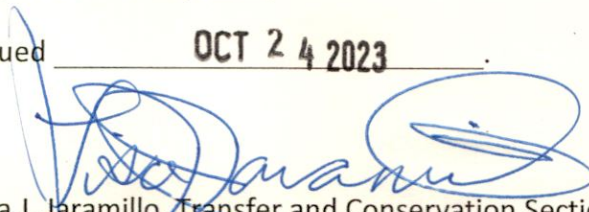


The original permit was issued November 24, 2004. Actual construction work was to begin within one year from issuance of the original permit. By Extension of Time Final order dated May 6, 2016, the deadline for complete application of water to use was extended to October 1, 2035.

Within one year after complete application of water to the proposed use, the water user shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued

OCT 24 2023

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

ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the water user named hereon, if the land the permit is associated with changes ownership, or if the water user is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

MAILING ADDRESS CHANGES: If the mailing address of the water user named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the water user's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Water users involved in ground disturbing activities should be aware of federal and state cultural resources protection laws, ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.