

T-13824

T-13824

SAP

Name Vernon BrockAddress PO Box 2837
Wilsonville OR 97070

Change in _____

Date Filed 9/9/2021

Initial notice date _____

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 2-22-23 Vol 127 Page 473-475

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream wellTrib. of Newland Creek BasinUse nursery County Clackamas

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App# _____ Per # G17A68 Cert # _____ PR Date 6/3/2019

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID

Date	Amount	Receipt #
<u>9-9-2021</u>	<u>\$960.00</u>	<u>136378</u>
<u>1-30-2023</u>	<u>\$180.00</u>	<u>140053</u>

FEES REFUNDED

Date	Amount	Receipt #
------	--------	-----------

Assignments: _____

Irrigation District _____

Agent Deann Hamilton Pacific hydro

CWRE _____

CC's list _____

☐ - Oversized map - Location _____

22
Oregon

Water Resources Department
Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266

ADDRESS SERVICE REQUESTED

NMR

FIRST-CLASS
AUTO LETTER



US POSTAGE PAID PITNEY BOWES



ZIP 97301 \$ 000.54⁵
02 7W
0008029484 NOV 13 2024

T-13827
Coastal Forest Products LLC
6242 Portland Rd NE
Salem, OR 97305

Received
NOV 18 2024

OWRD

.. 9308120093085618

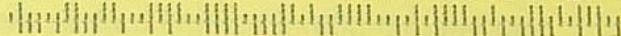
NMR

97301-1266
JLB-ASB 97305

NIXIE 971 DE 1260 0011/17/24

RETURN TO SENDER
NO MAIL RECEPTACLE
UNABLE TO FORWARD

BC: 97301126673 *1579-00669-17-18



Split a Permit Cover Sheet

Transfer T-13824

Transfer Specialist:

Aula

Transfer Type: Split a Permit TransferSplit a Permit

Applicant Name/Address: VERNON BRUCK PO BOX 2837 WILSONVILLE, OR 97070	Agent Name/Address: DOANN HAMILTON 18487 S VALLEY VISTA RD MULINO, OR 97042-8741	Other Landowner Name/Address:
	Irr. District Name/Address:	Other Landowner Name/Address:
Commentors: Name/Address:		Other Landowner Name/Address: bmk_transfer_local_govt_name

Water Right Permit Affected

Records Marked	Records Copied	App File No. or Decree Name	Original Permit No.	Replacement Permit	Replacement Permit	Replacement Permit
<input type="checkbox"/>	<input type="checkbox"/>	G-17230	G-17968	6-18779	6-18780	N/A

Key Dates & Initial Actions

Fees Paid: July 15, 2021		
125.00 Acknowledgement Letter Sent <input type="checkbox"/>	WM District: 20	Initial Notice:

Processing Dates & Actions

Draft PFO to Data w/draft Permits: _____	
Draft PFO Mailed: _____	Public Notice: <u>5/3/22</u> Comments Rec'd: Yes / No
Proposed Final Order: <u>9/7/22</u>	Public Notice: <u>9/13/22</u> Protest Period Ends: _____
Final Order: <u>2-22-23</u>	FO & Permits mailed: _____

DPFO Review (Optional)	PFO Review (Salem)	Final Order Review (Salem)
Reviewer: <u>Corey</u> / PKS	Reviewer: <u>B</u> / PKS	Reviewer: <u>Scott</u> / PKS
Date: <u>2/23/22</u> / <u>3/17/22</u>	Date: <u>6/17/2022</u> / <u>6/17/22</u>	Date: <u>9/30/22</u> / <u>11/8/22</u>
Changes Made: _____	Changes Made: _____	Changes Made: <u>11/15/22</u>
Date: _____	Date: <u>9-7-2022</u>	Date: <u>11/15/22</u>
Mailed: <u>5/2/2022</u>	Sig. Bin Date: <u>9-8-2022</u>	Sig. Bin Date: <u>11/15/22</u>
Comments/Special Issues:		
<u>SAP</u> <div style="text-align: right;"><u>reconsideration</u> <u>PKS 2/10/23</u></div>		

Special Order Volume: Vol 127 Pages 61
127 473-475

Review Checklist

T- 13824

Caseworker: Arla

APPLICATION (OAR 680-325-0040)

CW		CW	
<input checked="" type="checkbox"/>	Appropriately signed	<input checked="" type="checkbox"/>	Appropriate Fees Paid
<input checked="" type="checkbox"/>	All required Attachments Received	<input checked="" type="checkbox"/>	Permit "C" Date has not expired
<input checked="" type="checkbox"/>	Use is for irrigation, nursery, agricultural, stock watering, or temperature control	<input checked="" type="checkbox"/>	Applicant is not a unit of local government, port, water authority, or a district
<input checked="" type="checkbox"/>	Is the Permit located within an Irrigation District? District Name and address provided?	<input checked="" type="checkbox"/>	Check for any other authorized Permit Amendments that are not reflected on the Permit

DETERMINING THE "SPLIT"

(Make working copy of application and permit to mark on)

PR	CW		PR	CW	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The maps adequately show the lands assigned to each landowner and meet the requirements of OAR 690-325-0050	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application & Permit tabulations match. (Mark on Permit and cert. copies and note corrections needed)

DEPARTMENT REVIEW (OAR 690-325-0070)

PR	CW		YES	NO	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	OAR 690-325-0070(1)(a) The mailing address of each owner of the authorized place of use has been verified	<input type="checkbox"/>	<input type="checkbox"/>	Notes: Use interactive mapper and assessor's page
<input type="checkbox"/>	<input checked="" type="checkbox"/>	OAR 690-325-0070(1)(b) The deed(s) supplied with the application match(es) the properties proposed for assignment	<input type="checkbox"/>	<input type="checkbox"/>	Notes:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	OAR 690-325-0070(1)(c) The most recent water use under the permit, if any, has been exercised within the relevant terms and conditions of the water right permit.	<input type="checkbox"/>	<input type="checkbox"/>	Notes:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	OAR 690-325-0070(1)(d) Will the splitting of the Permit result in enlargement of the original Permit? No	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Notes:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	OAR 690-325-0070(1)(d) Will the splitting of the Permit result in injury to other water right holders? No	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Notes:

REPLACEMENT PERMITS (OAR 690-325-0110)

PR	CW		PR	CW	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are the same conditions from the original permit included on the replacement permits?	<input type="checkbox"/>	<input type="checkbox"/>	Notes:



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

February 22, 2023

VERNON BRUCK
PO BOX 2837
WILSONVILLE, OR 97070

FINAL ORDER ON RECONSIDERATION

Reference: T-13824

Enclosed is an Order on Reconsideration as recorded in (NEW) Special Order Vol. 127, Page 473-475, issued to withdraw and supersede the final order recorded in (OLD) Special Order Vol. 127 Page 61-66. The final order recorded in (OLD) Special Order Vol. 127 Page 61-66 is of no further force or effect.

If you have any questions please contact Arla Davis, Arla.L.Davis@oregon.gov, or Kelly Starnes by telephone at (503) 979-3511 or by e-mail at Patrick.K.Starnes@water.oregon.gov.

Sincerely,

Nila Kamis
Water Right Support
Transfers and Conservation Section

cc: Watermaster Dist. # 20, Amy J. Landvoigt (*via email*)

Agent: Doann Hamilton

Enclosures

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit G-17968,	)	RECONSIDERATION OF A FINAL ORDER
Clackamas County	)	RECORDED IN SPECIAL ORDER VOLUME
	)	127, PAGES 61-66, WITHDRAWING A
	)	FINAL ORDER

Authority

ORS 537.225 establishes the process in which a water right permit holder may submit a request for full or partial assignment of a water right permit and issuance of replacement permits. OAR Chapter 690, Division 325 establishes the requirements and procedures to be used by the Department to evaluate an application by a landowner of record holding a water right permit for irrigation, nursery, temperature control, stock watering or agricultural water use to assign all or part of the water right permit and to issue replacement permits to reflect an assignment from the current permit holder to one or more additional permit holders.

Applicant

VERNON BRUCK
PO BOX 2837
WILSONVILLE, OR 97070

Findings of Fact

Background

1. On July 12, 2021, VERNON BRUCK, filed an application for partial assignment of Water Right Permit G-17968 and requested issuance of replacement permits. The Department assigned the application number T-13824.
2. On December 19, 2014, the Department approved an extension of time for complete application of water to October 1, 2024.
3. On February 6, 2018, the Department approved Permit Amendment T-12491, recorded at Special Order Volume 107, pages 627-629 for a change in point of appropriation and additional points of appropriation. Superseding Permit G-17968 was issued to replace original Permit G-16661.
4. On November 23, 2022, the Department issued a Final Order to approve Split a Permit Application T-13824, recorded at Special Ordre Volume 127, Pages 61-66.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or 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.

5. On January 10, 2023, the Department received a Request for Reconsideration from the applicant Vernon Bruck. The letter indicated that a property transaction for which originating Water Right Permit G-17969 is appurtenant was no longer being pursued. The letter requested that the Final Order Recorded in Special Order Volume 127, Pages 61-66, be withdrawn and the two superseding Water Right Permits G-18779 and G-18780 which resulted from the Final Order Recorded in Special Order Volume 127, Pages 61-66 approving Split a Permit T-13824, be cancelled and the Originating Water Right Permit G-17969 be restored.

6. The Water Right Permit to be restored to its non-cancelled status that was in place prior to issuance of the Final Order is as follows:

Permit: G-17968 in the name of VERNON BRUCK
Use: NURSERY USE ON 69.7 ACRES
Priority Date: JUNE 3, 2009
Quantity: MAXIMUM RATE: 0.87 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, 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 year. The use of water for nursery use 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.

Period of Use: YEAR-ROUND

Source: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 – 280 FEET SOUTH AND 120 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	17	NW SW	WELL 5 – 45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	NE SE	WELL 3 – 590 FEET SOUTH AND 1290 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 – 1640 FEET SOUTH AND 515 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 6 – 1640 FEET SOUTH AND 210 FEET WEST FROM THE E¼ CORNER OF SECTION 18

Authorized Place of Use:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	NW SW	22.8
3 S	1 E	WM	17	SW SW	10.3
3 S	1 E	WM	18	NE SE	20.1
3 S	1 E	WM	18	SE SE	16.5
Total					69.7

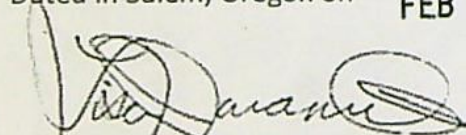
Conclusions of Law

Pursuant to OAR 004-0080(1), the Department may reconsider the Final Order recorded at Special Order Volume 127, Pages 61-66, issued on November 23, 2022, approving Split a Permit Application T-13824.

Now, therefore, it is ORDERED:

1. Final Order recorded at Special Order Volume 127, Pages 61-66, issued on November 23, 2022, approving Split a Permit Application T-13824, is hereby reconsidered and is of no further force or effect.
2. The replacement Water Right Permits G-18779 and G-18780 are hereby cancelled. The cancellation of Permit G-17968 is hereby nullified and the Original Water Right Permit G-17968 is restored to its non-cancelled status that was in place prior to issuance of the Final Order recorded at Special Order Volume 127, Pages 61-66, issued November 23, 2022.

Dated in Salem, Oregon on **FEB 22 2023**



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

Mailing Date: **FEB 23 2023**

DAVIS Arla L * WRD

From: MARTIN Duff A * WRD
Sent: Wednesday, February 15, 2023 12:34 PM
To: DAVIS Arla L * WRD
Cc: JARAMILLO Lisa J * WRD; STARNES Patrick K * WRD
Subject: RE: T-13824 reconsider and withdraw

Hi Arla,

Oh great! That order was just what I needed as soon as it's signed and scanned in, I'll be just fine to cancel the permits and make G-17968 the active water right again.

Thanks!

Duff Martin

Data Tech 2

725 Summer St NE Salem, OR 97301



OREGON
WATER
RESOURCES
DEPARTMENT

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: DAVIS Arla L * WRD <Arla.L.DAVIS@water.oregon.gov>
Sent: Wednesday, February 15, 2023 12:07 PM
To: MARTIN Duff A * WRD <Duff.A.MARTIN@water.oregon.gov>
Cc: JARAMILLO Lisa J * WRD <Lisa.J.JARAMILLO@water.oregon.gov>; STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Subject: FW: T-13824 reconsider and withdraw

See attached. Please let me know if there is anything else I can provide that would help.

Arla L. Davis

She/Her/Hers

Water Rights Transfer Specialist

Transfer and Conservation Section

725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



OREGON
WATER
RESOURCES
DEPARTMENT

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Work Schedule (primarily teleworking remotely): Mon, Tues, & Thurs, Fri – 6:00 a.m. to 3:30 p.m. and Wed – 8:00 a.m. to Noon

NOTE: The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8:00 a.m. – 5:00 p.m. every day. Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members. Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

From: JARAMILLO Lisa J * WRD <Lisa.J.JARAMILLO@water.oregon.gov>
Sent: Wednesday, January 18, 2023 10:44 AM
To: MCCARTY Patricia E * WRD <Patricia.E.MCCARTY@water.oregon.gov>
Cc: FRENCH Dwight W * WRD <Dwight.W.FRENCH@water.oregon.gov>; DAVIS Arla L * WRD <Arla.L.DAVIS@water.oregon.gov>
Subject: FW: T-13824 reconsider and withdraw

Hi Patricia,

Dwight and I spoke yesterday about the attached reconsideration request involving Split-A-Permit Application T-13824.

- We issued a final order on 11/23/2022 to approve the split under T-13824 and issue replacement permits. Both replacement permits were issued in the same name, the applicant Vernon Bruck.
- We received a timely reconsideration request from Vernon Bruck on 1/10/2023. (60 days from FO issuance = 1/22/2023, which is a Sunday.)

This application was initially submitted because a portion of the property was to be sold, but that deal eventually fell through. As outlined in the reconsideration request, they no longer want to split the permit and they'd like to reverse the Split-A-Permit approval.

My question is: Can we reconsider the final order approving T-13824 in this situation where OWRD did exactly what the application requested (i.e., OWRD did not make any errors), but the applicant now disagrees with the approval of T-13824 because they no longer want the original permit split into two? Do we have authority to do this within the reconsideration process?

Thanks in advance for your feedback,
Lisa

Lisa J. Jaramillo

Transfer and Conservation Section Manager

725 Summer Street NE, Suite A, Salem, OR 97301 | Phone: 503-871-1889 (work cell)



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NOTE: OWRD offices are now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, however, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day (M-F). OWRD's Salem office is closed for customer service drop-ins from Noon – 1pm. Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members. Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

From: DAVIS Arla L * WRD <Arla.L.DAVIS@water.oregon.gov>
Sent: Friday, January 13, 2023 1:28 PM
To: JARAMILLO Lisa J * WRD <Lisa.J.JARAMILLO@water.oregon.gov>; MCCARTY Patricia E * WRD

<Patricia.E.MCCARTY@water.oregon.gov>

Cc: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>

Subject: FW: T-13824 reconsider and withdraw

Hey Lisa and Patricia,

I spoke with Lisa about this today and am forwarding the information to you. This pertains to Split a Permit Application T-13824 (final order is attached). The original permit was split into 2 separate permits and they are both in Vernon Bruck's name. The original email request from the agent Doann Hamilton is below. Please let me know if you need anything else from me.

Arla L. Davis

She/Her/Hers

Water Rights Transfer Specialist

Transfer and Conservation Section

725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



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Work Schedule (primarily teleworking remotely): Mon, Tues, & Thurs, Fri – 6:00 a.m. to 3:30 p.m. and Wed – 8:00 a.m. to Noon

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From: DAVIS Arla L * WRD

Sent: Friday, December 9, 2022 11:07 AM

To: Doann Hamilton <phgdmh@gmail.com>; STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>; Greg Kupillas <phggek@bctonline.com>

Cc: JARAMILLO Lisa J * WRD <Lisa.J.JARAMILLO@water.oregon.gov>

Subject: RE: T-13824 reconsider and withdraw

Good Morning Doann,

Thank you for your email. Unfortunately the time to "withdraw" the application to split the permit has passed. The Final order and superseding permits, were issued and signed on November 23, 2022. At the bottom of the first page of the final order is a box with this language below in green:

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or 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.

What this means is that your client/applicant may petition for a judicial review or may petition the Department for a reconsideration of the final order. The Department may or may not reconsider the final

order and superseding permits, and the petition does not guarantee that the final order and superseding permits will be reconsidered or changed. The deadline for filing either of these petitions would be 60 days from the issuance of the final order, being January 22, 2023. If you have any other questions, please let me know.

Arla L. Davis

Water Rights Transfer Specialist
Transfer and Conservation Section
725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



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Work Schedule (primarily teleworking remotely): Mon, Tues, & Thurs, Fri – 6:00 a.m. to 3:30 p.m. and Wed – 8:00 a.m. to Noon

NOTE: The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8:00 a.m. – 5:00 p.m. every day. Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members. Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

From: Doann Hamilton <phgdmh@gmail.com>
Sent: Thursday, December 8, 2022 11:58 AM
To: DAVIS Arla L * WRD <Arla.L.DAVIS@water.oregon.gov>; STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>; DAVIS Arla L * WRD <Arla.L.DAVIS@water.oregon.gov>; Greg Kupillas <phggek@bctonline.com>
Subject: T-13824 reconsider and withdraw

Hi Arla

Our client Vernon Bruck had a split application T-13824 approved and final order issued November 23, 2022

Unfortunately the sale of his property did not go through
On behalf of our client - he would like to withdraw T-13824 and return to just one water right

This way he only needs to work on and prove up one water right instead of two

Please let me know what else I need to do to get this approved

Thank you
Doann

--
Pacific Hydro-Geology, Inc.
18487 S. Valley Vista Rd.
Mulino, OR 97042

COPY

January 4th 2023

To the director of the Oregon Water Resource Department, Doug Woodcock and staff:

Our Farm in Wilsonville, Oregon has just received final approval for a split-a-permit application T-13824 on November 23rd, 2022. We initially started the application because we were selling a portion of our farm. However, circumstances changed due to the potential buyers not following through with the sale. Our family has since decided not to sell any of the farm at this time. The younger generation of our century farm is going to try and keep the farm viable and sustainable. To help us do so, we would like to cancel the split permit and revert back to a single permit. Pacific Hydrogeology, Greg Kupillas and staff have helped us tremendously and informed us that we could write this letter requesting reconsideration of the Final Order approving Application T-13824 and reversion back to a single permit.

Your attention to this matter is greatly appreciated. Thank you for your time.

Sincerely,

Vernon Bruck

Vernon Bruck
503-682-5749

RECEIVED

JAN 10 2023

OWRD
SALEM, OREGON

SAP

Reconsideration
order

(11)

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 140053

INVOICE # _____

RECEIVED FROM: Vernon E Bruck
BY: Penny L Bruck

APPLICATION _____
PERMIT _____
TRANSFER T. 13824

CASH: ☐ CHECK: # 2880 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 180.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>180.00</u>		

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____
0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: 140053

DATED: 1-30-2023 BY: Bz

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 140053

INVOICE # _____

RECEIVED FROM: Vernon E Bruck
BY: Penny L Bruck

APPLICATION _____
PERMIT _____
TRANSFER T. 13824

CASH: ☐ CHECK: # 2880 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 180.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>180.00</u>		

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____
0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: 140053

DATED: 1-30-2023 BY: Bz

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

RECEIVED

JAN 30 2023

OWRD
SALEM, OREGON

1-26-23

TO: Oregon Water Resource Dept
ATTN Lisa Jaramillo
503 871-1889

Oregon Water Resource Dept
A 725 Summer St. NE.
Suite A
Salem, OR. 97301

From Vernon Bruck
Po Box 2837
(physical 29250 S.W. Bruck Ln)
Wilsonville, OR 97070
503 682-5749

Please find enclosed our check/payment of \$180⁰⁰
to cover the cost ~~of~~ ^{for the} continued processing related
to the reconsideration related to application of
permit T-13824. Thankyou for your help, please
call if any more is needed on our end.

Sincerely

Vern Bruck

Vernon Bruck

JARAMILLO Lisa J * WRD

From: DAVIS Arla L * WRD
Sent: Friday, January 13, 2023 1:28 PM
To: JARAMILLO Lisa J * WRD; MCCARTY Patricia E * WRD
Cc: STARNES Patrick K * WRD
Subject: FW: T-13824 reconsider and withdraw
Attachments: T-13824 Final Order approving assignment of WR permit.pdf; Permit A - Bruck .pdf; Permit B - Bruck .pdf; Reconsideration Letter - Bruck.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hey Lisa and Patricia,

I spoke with Lisa about this today and am forwarding the information to you. This pertains to Split a Permit Application T-13824 (final order is attached). The original permit was split into 2 separate permits and they are both in Vernon Bruck's name. The original email request from the agent Doann Hamilton is below. Please let me know if you need anything else from me.

Arla L. Davis

She/Her/Hers

Water Rights Transfer Specialist

Transfer and Conservation Section

725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

Work Schedule (primarily teleworking remotely): Mon, Tues, & Thurs, Fri – 6:00 a.m. to 3:30 p.m. and Wed – 8:00 a.m. to Noon

NOTE: The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8:00 a.m. – 5:00 p.m. every day.

Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members. Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

From: DAVIS Arla L * WRD
Sent: Friday, December 9, 2022 11:07 AM
To: Doann Hamilton <phgdmh@gmail.com>; STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>; Greg Kupillas <phggeek@bctonline.com>
Cc: JARAMILLO Lisa J * WRD <Lisa.J.JARAMILLO@water.oregon.gov>
Subject: RE: T-13824 reconsider and withdraw

Good Morning Doann,

Thank you for your email. Unfortunately the time to “withdraw” the application to split the permit has passed. The Final order and superseding permits, were issued and signed on November 23, 2022. At the bottom of the first page of the final order is a box with this language below in green:

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or 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.

What this means is that your client/applicant may petition for a judicial review or may petition the Department for a reconsideration of the final order. The Department may or may not reconsider the final order and superseding permits, and the petition does not guarantee that the final order and superseding permits will be reconsidered or changed. The deadline for filing either of these petitions would be 60 days from the issuance of the final order, being January 22, 2023. If you have any other questions, please let me know.

Arla L. Davis

Water Rights Transfer Specialist
Transfer and Conservation Section
725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

Work Schedule (primarily teleworking remotely): Mon, Tues, & Thurs, Fri – 6:00 a.m. to 3:30 p.m. and Wed – 8:00 a.m. to Noon

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From: Doann Hamilton <phgdmh@gmail.com>
Sent: Thursday, December 8, 2022 11:58 AM
To: DAVIS Arla L * WRD <Arla.L.DAVIS@water.oregon.gov>; STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>; DAVIS Arla L * WRD <Arla.L.DAVIS@water.oregon.gov>; Greg Kupillas <phggek@bctonline.com>
Subject: T-13824 reconsider and withdraw

Hi Arla

Our client Vernon Bruck had a split application T-13824 approved and final order issued November 23, 2022

Unfortunately the sale of his property did not go through
On behalf of our client - he would like to withdraw T-13824 and return to just one water right

This way he only needs to work on and prove up one water right instead of two

Please let me know what else I need to do to get this approved

Thank you
Doann

--
Pacific Hydro-Geology, Inc.
18487 S. Valley Vista Rd.
Mulino, OR 97042
(503) 349-6946
Fax: (503) 632-5983
email: phgdmh@gmail.com



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 23, 2022

VERNON BRUCK
PO BOX 2837
WILSONVILLE, OR 97070

REFERENCE: Split a Permit Application T-13824

Enclosed is a copy of the order approving your Split a Permit application requesting to split Permit # G/R/S-XXXX.

Also enclosed is your superseding permit and a copy of the permit covering the remainder of the water right. Please read the documents and abide by the requirements.

If you have any questions related to this transfer, you may contact your caseworker, Arla Davis, by telephone at 503-979-3129 or by e-mail at Arla.L.Davis@oregon.gov.

Sincerely,

Julie C. Baustian
Water Rights Services Support
Transfers and Conservation Section

cc: Amy J. Landvoigt, Watermaster Dist. # 20 (via email)
Doann Hamilton, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit G-17968,	)	FINAL ORDER
Clackamas County	)	APPROVING ASSIGNMENT OF A WATER
	)	RIGHT PERMIT AND ISSUANCE OF
	)	REPLACEMENT WATER RIGHT PERMITS

Authority

ORS 537.225 establishes the process in which a water right permit holder may submit a request for full or partial assignment of a water right permit and issuance of replacement permits. OAR Chapter 690, Division 325 establishes the requirements and procedures to be used by the Department to evaluate an application by a landowner of record holding a water right permit for irrigation, nursery, temperature control, stock watering or agricultural water use to assign all or part of the water right permit and to issue replacement permits to reflect an assignment from the current permit holder to one or more additional permit holders.

Applicants

VERNON BRUCK
PO BOX 2837
WILSONVILLE, OR 97070

Findings of Fact

Background

1. On July 12, 2021, VERNON BRUCK, filed an application for partial assignment of Water Right Permit G-17698 and requested issuance of replacement permits. The Department assigned the application number T-13824.
2. On December 19, 2014, the Department approved an extension of time for complete application of water to October 1, 2024.
3. On February 6, 2018, the Department approved Permit Amendment T-12491, recorded at Special Order Volume 107, pages 627-629 for a change in point of appropriation and additional points of appropriation. Superseding Permit G-17968 was issued to replace original Permit G-16661.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or 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.

4. Notice of the application for transfer was published on May 3, 2022, pursuant to OAR 690-325-0080. No comments were filed in response to the notice.
5. Notice of the application for the assignment of the water right permit and request for issuance of replacement water right permits was published in the Department's weekly notice on May 3, 2022, pursuant to ORS 537.325(3)(e) and OAR 690-325-0080. Due to a clerical error, the notice was not published correctly in the Department's weekly notice on May 3, 2022. The notice was republished in the Department's weekly notice on August 2, 2022. No comments were filed in response to the notice. In addition, the Department provided copies of the draft Proposed Final Order, draft replacement permits, the application, map, and existing water right permit to each owner of land upon which the water right permit is appurtenant.
6. On September 7, 2022, the Department issued a Proposed Final Order considering any comments received, and sent a copy to the applicant, each owner of land upon which the water right permit is appurtenant. Notice of the Proposed Final Order was published in the Department's weekly notice on September 13, 2022. No protests were filed in response to the notice.

7. The Permit to be modified and assigned is as follows:

Permit: G-17968 in the name of VERNON BRUCK
Use: NURSERY USE ON 69.7 ACRES
Priority Date: JUNE 3, 2009
Quantity: MAXIMUM RATE: 0.87 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, 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 year. The use of water for nursery use 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.

Period of Use: YEAR-ROUND

Source: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 – 280 FEET SOUTH AND 120 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	17	NW SW	WELL 5 – 45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	18	NE SE	WELL 3 – 590 FEET SOUTH AND 1290 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 – 1640 FEET SOUTH AND 515 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 6 – 1640 FEET SOUTH AND 210 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 18

Authorized Place of Use:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	NW SW	22.8
3 S	1 E	WM	17	SW SW	10.3
3 S	1 E	WM	18	NE SE	20.1
3 S	1 E	WM	18	SE SE	16.5
Total					69.7

8. The Applicant requests Permit G-17968 be split and replacement permits be issued as follows:

Permit A: VERNON BRUCK

Permit: G-17968 in the name of VERNON BRUCK
 Use: NURSERY USE ON 27.8 ACRES
 Priority Date: JUNE 3, 2009
 Quantity: MAXIMUM RATE: 0.35 CUBIC FOOT PER SECOND (CFS)
 Limit/Duty: The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, 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 year. The use of water for nursery use 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.

Period of Use: YEAR-ROUND

Source: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 – 280 FEET SOUTH AND 120 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 17
3 S	1 E	WM	17	NW SW	WELL 5 – 45 FEET SOUTH AND 920 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 17
3 S	1 E	WM	18	NE SE	WELL 3 – 590 FEET SOUTH AND 1290 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 18

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	18	SE SE	WELL 4 – 1640 FEET SOUTH AND 515 FEET WEST FROM THE E½ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 6 – 1640 FEET SOUTH AND 210 FEET WEST FROM THE E½ CORNER OF SECTION 18

Authorized Place of Use:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	NW SW	22.8
3 S	1 E	WM	17	SW SW	1.4
3 S	1 E	WM	18	NE SE	3.6
Total					27.8

Permit B: VERNON BRUCK

Permit: G-17968 in the name of VERNON BRUCK

Use: NURSERY USE ON 41.9 ACRES

Priority Date: JUNE 3, 2009

Quantity: MAXIMUM RATE: 0.52 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, 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 year. The use of water for nursery use 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.

Period of Use: YEAR-ROUND

Source: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 – 280 FEET SOUTH AND 120 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	17	NW SW	WELL 5 – 45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	NE SE	WELL 3 – 590 FEET SOUTH AND 1290 FEET WEST FROM THE E½ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 – 1640 FEET SOUTH AND 515 FEET WEST FROM THE E½ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 6 – 1640 FEET SOUTH AND 210 FEET WEST FROM THE E½ CORNER OF SECTION 18

Authorized Place of Use:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	SW SW	8.9
3 S	1 E	WM	18	NE SE	16.5
3 S	1 E	WM	18	SE SE	16.5
Total					41.9

Split a Permit Review Criteria

The Department has verified the mailing address of each owner of the authorized place of use identified on the map contained in the application as follows:

Name and Address	Acres	Proportionate Rate (cfs)	Twp	Rng	Mer	Sec	Q-Q	Tax Lot
VERNON BRUCK PO BOX 2837 WILSONVILLE, OR 97070	27.8	0.35 CFS	3 S	1 E	WM	17 & 18	MULTIPLE	801
VERNON BRUCK PO BOX 2837 WILSONVILLE, OR 97070	41.9	0.52 CFS	3 S	1 E	WM	17 & 18		900, 3500, & 3600

9. The deeds supplied with the application match the properties proposed for assignment.
10. The applicants affirmed the most recent water use under the permit has been exercised within the relevant terms and conditions of the water right permit.
11. The assignment and issuance of replacement permits would not result in injury to other water right holders.
12. The assignment and issuance of replacement permits would not result in enlargement of the permit.
13. The assignment and issuance of replacement permits does not alter any other terms of Permit G-17968.

Conclusions of Law

The assignment and issuance of replacement permits proposed by Application T-13824 are consistent with the requirements of ORS 537.225 and OAR Chapter 690, Division 325.

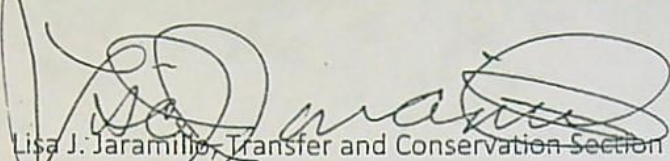
Now, therefore, it is ORDERED:

1. The assignment and issuance of replacement permits proposed by Application T-13824 are approved.
2. Permit G-18779, in the name of VERNON BRUCK, and Permit G-18780 in the name of VERNON BRUCK are issued to supersede Permit G-17968 (original permit). Permit G-17968 (original permit) is no longer of any force or affect.

3. All other terms and conditions under Permit G-17968 (original permit) are incorporated into Permits G-18779 and G-18780 (superseding permits).

Dated in Salem, Oregon on

NOV 23 2022



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

Mailing Date: NOV 23 2022

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

VERNON BRUCK
PO BOX 2837
WILSONVILLE, OR 97070

This superseding permit is issued to describe an extension of time for complete application of water approved December 19, 2014, an amendment for additional points of appropriation and a change in point of appropriation proposed under Permit Amendment Application T-12491 and approved by Special Order Vol. 107, Pages 627-629, entered February 6, 2018 and a Split a Permit, approved by Special Order Volume 127, Page 101, entered on NOV 23 2022. This permit, together with Permit G-18780 supersedes Permit G-17968.

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

APPLICATION FILE NUMBER: G-17230

SOURCE OF WATER: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 27.8 ACRES

MAXIMUM RATE: 0.35 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: JUNE 3, 2009

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 - 280 FEET SOUTH AND 120 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 17
3 S	1 E	WM	18	NE SE	WELL 3 - 590 FEET SOUTH AND 1290 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 - 1640 FEET SOUTH AND 515 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 18
3 S	1 E	WM	17	NW SW	WELL 5 - 45 FEET SOUTH AND 920 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 17
3 S	1 E	WM	18	SE SE	WELL 6 - 1640 FEET SOUTH AND 210 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 18

The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, 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 year. The use of water for nursery use 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.

Authorized Place of Use:

NURSERY USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	NW SW	22.8
3 S	1 E	WM	17	SW SW	1.4
3 S	1 E	WM	18	NE SE	3.6
Total					27.8

Permit Amendment T-12491 Conditions:

The quantity of water diverted at the new points of appropriation, Wells 4, 5, and 6, shall not exceed the quantity of water lawfully available at the original point of appropriation, Well 1.

The combined quantity of water diverted at the new additional points of appropriation, Wells 4, 5, and 6, together with that diverted at the old points of appropriation, Wells 2 and 3, shall not exceed the quantity of water lawfully available at the original points of appropriation, Wells 2 and 3.

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

Extension of Time Conditions:

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2018 and 2023.

- 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.

Existing Permit Conditions:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee 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.
- C. The permittee shall allow the watermaster access to the meter; provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The well shall produce ground water only from the alluvial ground water reservoir.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain from a qualified individual (see below), 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 report 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 report seven consecutive annual 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 the user to 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 any of the following events occur:

- A. Annual water level measurement reveal an average water level decline of three or more feet per year for five consecutive years; or
- B. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water level measurements reveal 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-use or restricted use shall continue until the 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.

Prior to using water from any well listed in this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level or pump test data.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

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.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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 to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

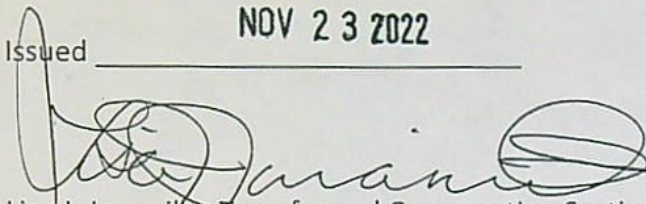
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end

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 original permit was issued March 11, 2010. Completion of construction and application of the water to the use was to be made on or before March 11, 2015. By Extension of Time dated December 19, 2014, the deadline for complete application of water was extended to October 1, 2024.

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.

Issued NOV 23 2022



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

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

VERNON BRUCK
PO BOX 2837
WILSONVILLE, OR 97070

This superseding permit is issued to describe an extension of time for complete application of water approved December 19, 2014, an amendment for additional points of appropriation and a change in point of appropriation proposed under Permit Amendment Application T-12491 and approved by Special Order Vol. 107, Pages 627-629, entered February 6, 2018 and a Split a Permit, approved by Special Order Volume 127, Page 61, entered on NOV 23 2022. This permit, together with Permit G-18779 supersedes Permit G-17968.

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

APPLICATION FILE NUMBER: G-17230

SOURCE OF WATER: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 41.9 ACRES

MAXIMUM RATE: 0.52 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: JUNE 3, 2009

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 - 280 FEET SOUTH AND 120 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	NE SE	WELL 3 - 590 FEET SOUTH AND 1290 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 - 1640 FEET SOUTH AND 515 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	17	NW SW	WELL 5 - 45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	SE SE	WELL 6 - 1640 FEET SOUTH AND 210 FEET WEST FROM THE E¼ CORNER OF SECTION 18

The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, 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 year. The use of water for nursery use 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.

Authorized Place of Use:

NURSERY USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	SW SW	8.9
3 S	1 E	WM	18	NE SE	16.5
3 S	1 E	WM	18	SE SE	16.5
Total					41.9

Permit Amendment T-12491 Conditions:

The quantity of water diverted at the new points of appropriation, Wells 4, 5, and 6, shall not exceed the quantity of water lawfully available at the original point of appropriation, Well 1.

The combined quantity of water diverted at the new additional points of appropriation, Wells 4, 5, and 6, together with that diverted at the old points of appropriation, Wells 2 and 3, shall not exceed the quantity of water lawfully available at the original points of appropriation, Wells 2 and 3.

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

Extension of Time Conditions:

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2018 and 2023.

- 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.

Existing Permit Conditions:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee 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.
- C. The permittee shall allow the watermaster access to the meter; provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The well shall produce ground water only from the alluvial ground water reservoir.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain from a qualified individual (see below), 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 report 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 report seven consecutive annual 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 the user to 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 any of the following events occur:

- A. Annual water level measurement reveal an average water level decline of three or more feet per year for five consecutive years; or
- B. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water level measurements reveal 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-use or restricted use shall continue until the 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.

Prior to using water from any well listed in this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level or pump test data.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

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.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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 to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

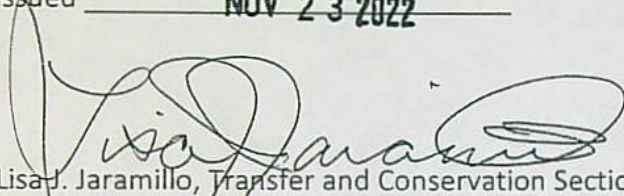
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end

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 original permit was issued March 11, 2010. Completion of construction and application of the water to the use was to be made on or before March 11, 2015. By Extension of Time dated December 19, 2014, the deadline for complete application of water was extended to October 1, 2024.

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.

Issued NOV 23 2022

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", is written over the printed name and title.

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

G-17968

SPLIT A PERMIT
TIME TRACKING SHEET

T- 13824

Date	Item	Caseworker	Time/hrs (¼ hrs)
	Review Application, draft Draft PFO and replacement Permits	ALD	1.5
2/23/22 3/17/22	Peer Review of Draft PFO and replacement Permits	cc/pks	(2.0 hrs) 0.4/0.5
4/13/22	Data: Review of replacement Permits	Data	2.0 hrs
5/2/22 5/2/22	Changes to Draft PFO and replacement Permits and issuance of Draft Proposed Final Order, prepare notice of application for weekly public notice.	ALD	1.0 hr
5/6/22	Mail PFO, cc of app, existing permit, and draft replacement Permits to all landowners. Weekly Public Notice and workflow	Support	.5
5/21/22	Review comments received and draft Proposed Final Order w/draft replacement Permits and draft public notice	ALD	.50
5.22.22	Peer review Proposed Final Order w/draft replacement Permits and public notice	TS/pks	.50/0.50
9/1/22	Mail FFO with draft replacement permits to each landowner and commenter. Weekly Public Notice and workflow	Support Shp	.50
9/29/22	Verify no protests have been filed. Prepare Final Order and Replacement Permits.	ALD	.50
9/30/22 11/5/22	Peer review Final Order and Replacement Permits	ALD	1.50
11/15/22	Issue Final Order and Replacement Permits	ALD	.50
	Mail Final Order and Replacement Permits to Landowners. Workflow	Support	.5

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Permit G-17968,	)	PROPOSED FINAL ORDER
Clackamas County	)	APPROVING ASSIGNMENT OF A WATER
	)	RIGHT PERMIT AND ISSUANCE OF
	)	REPLACEMENT WATER RIGHT PERMITS

Authority

ORS 537.225 establishes the process in which a water right permit holder may submit a request for full or partial assignment of a water right permit and issuance of replacement permits. OAR Chapter 690, Division 325 establishes the requirements and procedures to be used by the Department to evaluate an application by a landowner of record holding a water right permit for irrigation, nursery, temperature control, stock watering or agricultural water use to assign all or part of the water right permit and to issue replacement permits to reflect an assignment from the current permit holder to one or more additional permit holders.

Applicants

VERNON BRUCK
PO BOX 2837
WILSONVILLE, OR 97070

Findings of Fact

Background

1. On July 12, 2021, VERNON BRUCK, filed an application for partial assignment of Water Right Permit G-17698 and requested issuance of replacement permits. The Department assigned the application number T-13824.
2. On December 19, 2014, the Department approved an extension of time for complete application of water to October 1, 2024.
3. On February 6, 2018, the Department approved Permit Amendment T-12491, recorded at Special Order Volume 107, pages 627-629 for a change in point of appropriation and additional points of appropriation. Superseding Permit G-17968 was issued to replace original Permit G-16661.
4. Notice of the application for transfer was published on May 3, 2022, pursuant to OAR 690-325-0080. No comments were filed in response to the notice.

5. The Permit to be modified and assigned is as follows:

Permit: G-17968 in the name of VERNON BRUCK
Use: NURSERY USE ON 69.7 ACRES
Priority Date: JUNE 3, 2009
Quantity: MAXIMUM RATE: 0.87 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, 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 year. The use of water for nursery use 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.

Period of Use: YEAR-ROUND
Source: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 – 280 FEET SOUTH AND 120 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	17	NW SW	WELL 5 – 45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	NE SE	WELL 3 – 590 FEET SOUTH AND 1290 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 – 1640 FEET SOUTH AND 515 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 6 – 1640 FEET SOUTH AND 210 FEET WEST FROM THE E¼ CORNER OF SECTION 18

Authorized Place of Use:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	NW SW	22.8
3 S	1 E	WM	17	SW SW	10.3
3 S	1 E	WM	18	NE SE	20.1
3 S	1 E	WM	18	SE SE	16.5
Total					69.7

6. The Applicant requests Permit G-17968 be split and replacement permits be issued as follows:

Permit A: VERNON BRUCK

Permit: G-17968 in the name of VERNON BRUCK
Use: NURSERY USE ON 27.8 ACRES
Priority Date: JUNE 3, 2009
Quantity: MAXIMUM RATE: 0.35 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, 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 year. The use of water for nursery use 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.

Period of Use: YEAR-ROUND

Source: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 – 280 FEET SOUTH AND 120 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	17	NW SW	WELL 5 – 45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	NE SE	WELL 3 – 590 FEET SOUTH AND 1290 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 – 1640 FEET SOUTH AND 515 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 6 – 1640 FEET SOUTH AND 210 FEET WEST FROM THE E¼ CORNER OF SECTION 18

Authorized Place of Use:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	NW SW	22.8
3 S	1 E	WM	17	SW SW	1.4
3 S	1 E	WM	18	NE SE	3.6
Total					27.8

Permit B: VERNON BRUCK

Permit: G-17968 in the name of VERNON BRUCK
Use: NURSERY USE ON 41.9 ACRES
Priority Date: JUNE 3, 2009
Quantity: MAXIMUM RATE: 0.52 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, 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 year. The use of water for nursery use 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.

Period of Use: YEAR-ROUND
Source: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 – 280 FEET SOUTH AND 120 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	17	NW SW	WELL 5 – 45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	NE SE	WELL 3 – 590 FEET SOUTH AND 1290 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 – 1640 FEET SOUTH AND 515 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 6 – 1640 FEET SOUTH AND 210 FEET WEST FROM THE E¼ CORNER OF SECTION 18

Authorized Place of Use:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	SW SW	8.9
3 S	1 E	WM	18	NE SE	16.5
3 S	1 E	WM	18	SE SE	16.5
Total					41.9

7. Notice of the application for the assignment of the water right permit and request for issuance of replacement water right permits was published in the Department's weekly notice on May 3, 2022, pursuant to ORS 537.325(3)(e) and OAR 690-325-0080. No comments were filed in response to the notice. In addition, the Department provided copies of the draft Proposed Final Order, draft replacement permits, the application, map, and existing water right permit to each owner of land upon which the water right permit is appurtenant.

Split a Permit Review Criteria

8. The Department has verified the mailing address of each owner of the authorized place of use identified on the map contained in the application as follows:

Name and Address	Acres	Proportionate Rate (cfs)	Twp	Rng	Mer	Sec	Q-Q	Tax Lot
VERNON BRUCK PO BOX 2837 WILSONVILLE, OR 97070	27.8	0.35 CFS	3 S	1 E	WM	17 & 18	MULTIPLE	801
VERNON BRUCK PO BOX 2837 WILSONVILLE, OR 97070	41.9	0.52 CFS	3 S	1 E	WM	17 & 18		900, 3500, & 3600

9. The deeds supplied with the application match the properties proposed for assignment.
10. The applicants affirmed the most recent water use under the permit has been exercised within the relevant terms and conditions of the water right permit.
11. The assignment and issuance of replacement permits would not result in injury to other water right holders.
12. The assignment and issuance of replacement permits would not result in enlargement of the permit.
13. The assignment and issuance of replacement permits does not alter any other terms of Permit G-17968.

Conclusions of Law

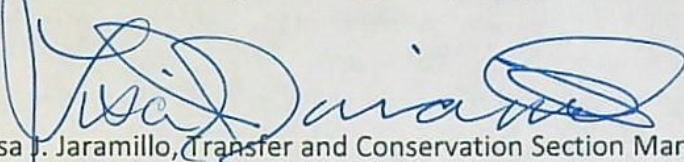
The assignment and issuance of replacement permits proposed by Application T-13824 are consistent with the requirements of ORS 537.225 and OAR Chapter 690, Division 325. If protests are not filed pursuant to OAR 690-325-0100, a final order will be issued approving the assignment and issuance of replacement permits.

If a final order approving the request for assignment and issuance of superseding permits is issued, the order will contain the following conditions:

1. *The assignment and issuance of replacement permits proposed by Application T-13824 are approved.*

2. Permit G-18779, in the name of VERNON BRUCK, and Permit G-18780 in the name of VERNON BRUCK are issued to supersede Permit G-17968 (original permit). Permit G-17968 (original permit) is no longer of any force or affect.
3. All other terms and conditions under Permit G-17968 (original permit) are incorporated into Permits G-18779 and G-18780 (superseding permits).

Dated in Salem, Oregon on **SEP 07 2022**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: **SEP 08 2022**

Notice of Application to Split a Permit

Applications of a landowner of record holding a water right permit for irrigation, nursery, temperature control, stock watering or agricultural water use, to assign all or part of the water right permit and to request issuance of a replacement permit to reflect an assignment from the current permit holder to one or more additional permit holders. The Department welcomes comments from interested persons, agencies, and organizations. **The comment deadline for notice of the application(s) appearing in this public notice is 5:00 pm, [30 days].** Although we cannot respond individually to all comments, each will be considered as the agency makes its decision regarding the proposed splitting of a permit.

The application may be viewed free of charge online at: <http://apps.wrd.state.or.us/apps/wr/wrinfo/>. Persons interested in receiving a copy of a Proposed Final Order must pay a statutorily-required fee of \$30. Any person paying \$30 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.

Transfer	T-13824
Permit	G-17968
County/Basin	Clackamas / Klamath (#14)
Applicants	Vernon Bruck PO Box 2837 Wilsonville, OR 97070
Source/TRSQ40Q160	WELL2 > NEWLAND CREEK BASIN/ T3S R1E SEC17 NWSW WELL3 > NEWLAND CREEK BASIN / T3S R1E SEC18 NESE WELL4 > NEWLAND CREEK BASIN / T3S R1E SEC18 SESE WELL5 > NEWLAND CREEK BASIN / T3S R1E SEC17 NWSW WELL6 > NEWLAND CREEK BASIN / T3S R1E SEC17 SESE
Priority Date	JUNE 3, 2009
Use/Quantity	NURSERY USE ON 69.7 ACRES/MAXIMUM RATE: 0.87 CFS
Applicant's Use/Quantity	.087 CFS
Permit Completion Date	10/01/2024

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit G-17968,	)	PROPOSED FINAL ORDER
Clackamas County	)	APPROVING ASSIGNMENT OF A WATER
	)	RIGHT PERMIT AND ISSUANCE OF
	)	REPLACEMENT WATER RIGHT PERMITS

Authority

ORS 537.225 establishes the process in which a water right permit holder may submit a request for full or partial assignment of a water right permit and issuance of replacement permits. OAR Chapter 690, Division 325 establishes the requirements and procedures to be used by the Department to evaluate an application by a landowner of record holding a water right permit for irrigation, nursery, temperature control, stock watering or agricultural water use to assign all or part of the water right permit and to issue replacement permits to reflect an assignment from the current permit holder to one or more additional permit holders.

Applicants

VERNON BRUCK
PO BOX 2837
WILSONVILLE, OR 97070

Findings of Fact

Background

1. On July 12, 2021, VERNON BRUCK, filed an application for partial assignment of Water Right Permit G-17698 and requested issuance of replacement permits. The Department assigned the application number T-13824.
2. On December 19, 2014, the Department approved an extension of time for complete application of water to October 1, 2024.
3. On February 6, 2018, the Department approved Permit Amendment T-12491, recorded at Special Order Volume 107, pages 627-629 for a change in point of appropriation and additional points of appropriation. Superseding Permit G-17968 was issued to replace original Permit G-16661.
4. Notice of the application for transfer was published on May 3, 2022, pursuant to OAR 690-325-0080. No comments were filed in response to the notice.

5. The Permit to be modified and assigned is as follows:

Permit: G-17968 in the name of VERNON BRUCK
Use: NURSERY USE ON 69.7 ACRES
Priority Date: JUNE 3, 2009
Quantity: MAXIMUM RATE: 0.87 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, 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 year. The use of water for nursery use 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.

Period of Use: YEAR-ROUND

Source: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 – 280 FEET SOUTH AND 120 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	17	NW SW	WELL 5 – 45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	NE SE	WELL 3 – 590 FEET SOUTH AND 1290 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 – 1640 FEET SOUTH AND 515 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 6 – 1640 FEET SOUTH AND 210 FEET WEST FROM THE E¼ CORNER OF SECTION 18

Authorized Place of Use:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	NW SW	22.8
3 S	1 E	WM	17	SW SW	10.3
3 S	1 E	WM	18	NE SE	20.1
3 S	1 E	WM	18	SE SE	16.5
Total					69.7

6. The Applicant requests Permit G-17968 be split and replacement permits be issued as follows:

Permit A: VERNON BRUCK

Permit: G-17968 in the name of VERNON BRUCK
Use: NURSERY USE ON 27.8 ACRES
Priority Date: JUNE 3, 2009
Quantity: MAXIMUM RATE: 0.35 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, 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 year. The use of water for nursery use 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.

Period of Use: YEAR-ROUND
Source: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 – 280 FEET SOUTH AND 120 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	17	NW SW	WELL 5 – 45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	NE SE	WELL 3 – 590 FEET SOUTH AND 1290 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 – 1640 FEET SOUTH AND 515 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 6 – 1640 FEET SOUTH AND 210 FEET WEST FROM THE E¼ CORNER OF SECTION 18

Authorized Place of Use:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	NW SW	22.8
3 S	1 E	WM	17	SW SW	1.4
3 S	1 E	WM	18	NE SE	3.6
Total					27.8

Permit B: VERNON BRUCK

Permit: G-17968 in the name of VERNON BRUCK
Use: NURSERY USE ON 41.9 ACRES
Priority Date: JUNE 3, 2009
Quantity: MAXIMUM RATE: 0.52 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, 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 year. The use of water for nursery use 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.

Period of Use: YEAR-ROUND
Source: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 – 280 FEET SOUTH AND 120 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	17	NW SW	WELL 5 – 45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	NE SE	WELL 3 – 590 FEET SOUTH AND 1290 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 – 1640 FEET SOUTH AND 515 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 6 – 1640 FEET SOUTH AND 210 FEET WEST FROM THE E¼ CORNER OF SECTION 18

Authorized Place of Use:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	SW SW	8.9
3 S	1 E	WM	18	NE SE	16.5
3 S	1 E	WM	18	SE SE	16.5
Total					41.9

7. Notice of the application for the assignment of the water right permit and request for issuance of replacement water right permits was published in the Department's weekly notice on May 3, 2022, pursuant to ORS 537.325(3)(e) and OAR 690-325-0080. No comments were filed in response to the notice. In addition, the Department provided copies of the draft Proposed Final Order, draft replacement permits, the application, map, and existing water right permit to each owner of land upon which the water right permit is appurtenant.

Split a Permit Review Criteria

8. The Department has verified the mailing address of each owner of the authorized place of use identified on the map contained in the application as follows:

Name and Address	Acres	Proportionate Rate (cfs)	Twp	Rng	Mer	Sec	Q-Q	Tax Lot
VERNON BRUCK PO BOX 2837 WILSONVILLE, OR 97070	27.8	0.35 CFS	3 S	1 E	WM	17 & 18	MULTIPLE	801
VERNON BRUCK PO BOX 2837 WILSONVILLE, OR 97070	41.9	0.52 CFS	3 S	1 E	WM	17 & 18		900, 3500, & 3600

9. The deeds supplied with the application match the properties proposed for assignment.
10. The applicants affirmed the most recent water use under the permit has been exercised within the relevant terms and conditions of the water right permit.
11. The assignment and issuance of replacement permits would not result in injury to other water right holders.
12. The assignment and issuance of replacement permits would not result in enlargement of the permit.
13. The assignment and issuance of replacement permits does not alter any other terms of Permit G-17968.

Conclusions of Law

The assignment and issuance of replacement permits proposed by Application T-13824 are consistent with the requirements of ORS 537.225 and OAR Chapter 690, Division 325. If protests are not filed pursuant to OAR 690-325-0100, a final order will be issued approving the assignment and issuance of replacement permits.

If a final order approving the request for assignment and issuance of superseding permits is issued, the order will contain the following conditions:

1. *The assignment and issuance of replacement permits proposed by Application T-13824 are approved.*

2. *Permit G-18779, in the name of VERNON BRUCK, and Permit G-18780 in the name of VERNON BRUCK are issued to supersede Permit G-17968 (original permit). Permit G-17968 (original permit) is no longer of any force or affect.*
3. *All other terms and conditions under Permit G-17968 (original permit) are incorporated into Permits G-18779 and G-18780 (superseding permits).*

Dated in Salem, Oregon on

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: _____

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit G-17968,	)	PROPOSED FINAL ORDER
Clackamas County	)	APPROVING ASSIGNMENT OF A WATER
	)	RIGHT PERMIT AND ISSUANCE OF
	)	REPLACEMENT WATER RIGHT PERMITS

Authority

ORS 537.225 establishes the process in which a water right permit holder may submit a request for full or partial assignment of a water right permit and issuance of replacement permits. OAR Chapter 690, Division 325 establishes the requirements and procedures to be used by the Department to evaluate an application by a landowner of record holding a water right permit for irrigation, nursery, temperature control, stock watering or agricultural water use to assign all or part of the water right permit and to issue replacement permits to reflect an assignment from the current permit holder to one or more additional permit holders.

Applicants

VERNON BRUCK
PO BOX 2837
WILSONVILLE, OR 97070

Findings of Fact

Background

1. On July 12, 2021, VERNON BRUCK, filed an application for partial assignment of Water Right Permit G-17698 and requested issuance of replacement permits. The Department assigned the application number T-13824.
2. On December 19, 2014, the Department approved an extension of time for complete application of water to October 1, 2024.
3. On February 6, 2018, the Department approved Permit Amendment T-12491, recorded at Special Order Volume 107, pages 627-629 for a change in point of appropriation and additional points of appropriation. Superseding Permit G-17968 was issued to replace original Permit G-16661.
4. Notice of the application for transfer was published on May 3, 2022, pursuant to OAR 690-325-0080. No comments were filed in response to the notice.

5. The Permit to be modified and assigned is as follows:

Permit: G-17968 in the name of VERNON BRUCK
Use: NURSERY USE ON 69.7 ACRES
Priority Date: JUNE 3, 2009
Quantity: MAXIMUM RATE: 0.87 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, 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 year. The use of water for nursery use 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.

Period of Use: YEAR-ROUND

Source: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 – 280 FEET SOUTH AND 120 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 17
3 S	1 E	WM	18	NE SE	WELL 3 – 590 FEET SOUTH AND 1290 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 – 1640 FEET SOUTH AND 515 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 18
3 S	1 E	WM	17	NW SW	WELL 5 – 45 FEET SOUTH AND 920 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 17
3 S	1 E	WM	18	SE SE	WELL 6 – 1640 FEET SOUTH AND 210 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 18

Authorized Place of Use:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	NW SW	22.8 ✓
3 S	1 E	WM	17	SW SW	10.3 ✓
3 S	1 E	WM	18	NE SE	20.1 ✓
3 S	1 E	WM	18	SE SE	16.5 ✓
Total					69.7

6. The Applicant request/Permit G-17968 be split and replacement permits be issued as follows:

Permit A: VERNON BRUCK

Permit: G-17968 in the name of VERNON BRUCK
Use: NURSERY USE ON 69.7 ACRES
Priority Date: JUNE 3, 2009
Quantity: MAXIMUM RATE: 0.87 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, 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 year. The use of water for nursery use 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.

Period of Use: YEAR-ROUND

Source: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 - 280 FEET SOUTH AND 120 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 17
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3 S	1 E	WM	18	SE SE	WELL 4 - 1640 FEET SOUTH AND 515 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 18
3 S	1 E	WM	17	NW SW	WELL 5 - 45 FEET SOUTH AND 920 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 17
3 S	1 E	WM	18	SE SE	WELL 6 - 1640 FEET SOUTH AND 210 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 18

Authorized Place of Use:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	NW SW	22.8
3 S	1 E	WM	17	SW SW	10.3
3 S	1 E	WM	18	NE SE	20.1
3 S	1 E	WM	18	SE SE	16.5
Total					69.7

Permit B: VERNON BRUCK**Permit:** G-17968 in the name of VERNON BRUCK**Use:** NURSERY USE ON 69.7 ACRES**Priority Date:** JUNE 3, 2009**Quantity:** MAXIMUM RATE: 0.87 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, 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 year. The use of water for nursery use 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.

Period of Use: YEAR-ROUND**Source:** WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 – 280 FEET SOUTH AND 120 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	NE SE	WELL 3 – 590 FEET SOUTH AND 1290 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 – 1640 FEET SOUTH AND 515 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	17	NW SW	WELL 5 – 45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	SE SE	WELL 6 – 1640 FEET SOUTH AND 210 FEET WEST FROM THE E¼ CORNER OF SECTION 18

Authorized Place of Use:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	NW SW	22.8
3 S	1 E	WM	17	SW SW	10.3
3 S	1 E	WM	18	NE SE	20.1
3 S	1 E	WM	18	SE SE	16.5
Total					69.7

7. Notice of the application for the assignment of the water right permit and request for issuance of replacement water right permits was published in the Department's weekly notice on May 3, 2022, pursuant to ORS 537.325(3)(e) and OAR 690-325-0080. No comments were filed in response to the notice. In addition, the Department provided copies of the draft Proposed Final Order, draft replacement permits, the application, map, and existing water right permit to each owner of land upon which the water right permit is appurtenant.

Split a Permit Review Criteria

8. The Department has verified the mailing address of each owner of the authorized place of use identified on the map contained in the application as follows:

Name and Address	Acres	Proportionate Rate (cfs)	Twp	Rng	Mer	Sec	Q-Q	Tax Lot
VERNON BRUCK PO BOX 2837 WILSONVILLE, OR 97070	27.8	0.35 CFS	3 S	1 E	WM	17 & 18	MULTIPLE	801
VERNON BRUCK PO BOX 2837 WILSONVILLE, OR 97070	41.9	0.52 CFS	3 S	1 E	WM	17 & 18		900, 3500, & 3600

9. The deeds supplied with the application ~~match~~ the properties proposed for assignment.
10. The applicants affirmed the most recent water use under the permit has been exercised within the relevant terms and conditions of the water right permit.
11. The assignment and issuance of replacement permits would not result in injury to other water right holders.
12. The assignment and issuance of replacement permits would not result in enlargement of the permit.
13. The assignment and issuance of replacement permits does not alter any other terms of Permit G-17968.

Conclusions of Law

The assignment and issuance of replacement permits proposed by Application T-13824 are consistent with the requirements of ORS 537.225 and OAR Chapter 690, Division 325. If protests are not filed pursuant to OAR 690-325-0100, a final order will be issued approving the assignment and issuance of replacement permits.

If a final order approving the request for assignment and issuance of superseding permits is issued, the order will contain the following conditions:

1. *The assignment and issuance of replacement permits proposed by Application T-13824 are approved.*

2. *Permit G-18779, in the name of VERNON BRUCK, and Permit G-18780 in the name of VERNON BRUCK are issued to supersede Permit G-17968 (original permit). Permit G-17968 (original permit) is no longer of any force or affect.*
3. *All other terms and conditions under Permit G-17968 (original permit) are incorporated into Permits G-18779 and G-18780 (superseding permits).*

Dated in Salem, Oregon on

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: _____

✓

DAVIS Arla L * WRD

From: MARTIN Duff A * WRD
Sent: Wednesday, April 13, 2022 12:51 PM
To: DAVIS Arla L * WRD
Cc: BAUSTIAN Julie C * WRD
Subject: SAP T-13824
Attachments: SAP T-13824.pdf

Hi Arla,

SAP T-13824 has been reviewed by data no issues. The footers for the permits are referencing the wrong transfer number (just transposed some numbers). Otherwise, no other issues.

Time taken: 2 hours

Thanks,

Duff Martin

Data Tech 2

725 Summer St NE Salem, OR 97301



OREGON
WATER
RESOURCES
DEPARTMENT

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

May 2, 2022

VERNON BRUCK
PO BOX 2837
WILSONVILLE, OR 97070

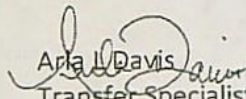
Re: Split a Permit Application T-13824

Enclosed please find the Draft Proposed Final Order proposing approval of an application to Split a Permit and Request for Issuance of Replacement Permits. Also enclosed are copies of the application to split a permit and map, a copy of the original permit and map, and copies of the draft replacement permits.

Subsequent to the mailing of this draft Proposed Order, notice of the application will be published in the Department's weekly notice on May 3, 2022. Anyone can comment to the application within 30 days of the date of publication.

Please do not hesitate to contact me at arla.l.davis@water.oregon.gov, if you should have any questions or concerns.

Sincerely,


Arla L. Davis
Transfer Specialist
Transfer and Conservation Section

cc: Split a Permit Application file T-13824
Amy Landvoigt, District 20 Watermaster *(via e-mail)*

cc w/enc.: Doann Hamilton, Pacific Hydro-Geology, Inc., Agent for the applicant *(via e-mail)*

5. The Permit to be modified and assigned is as follows:

Permit: G-17968 in the name of VERNON BRUCK
Use: NURSERY USE ON 69.7 ACRES
Priority Date: JUNE 3, 2009
Quantity: MAXIMUM RATE: 0.87 CUBIC FOOT PER SECOND (CFS)
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Period of Use: YEAR-ROUND

Source: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
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Authorized Place of Use:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
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3 S	1 E	WM	18	SE SE	16.5
Total					69.7

6. The Applicant request Permit G-17968 be split and replacement permits be issued as follows:

Permit A: VERNON BRUCK

Permit: G-17968 in the name of VERNON BRUCK
Use: NURSERY USE ON 69.7 ACRES
Priority Date: JUNE 3, 2009
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Period of Use: YEAR-ROUND

Source: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

Authorized Points of Appropriation:

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3 S	1 E	WM	18	NE SE	WELL 3 – 590 FEET SOUTH AND 1290 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 – 1640 FEET SOUTH AND 515 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 18
3 S	1 E	WM	17	NW SW	WELL 5 – 45 FEET SOUTH AND 920 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 17
3 S	1 E	WM	18	SE SE	WELL 6 – 1640 FEET SOUTH AND 210 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 18

Authorized Place of Use:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	NW SW	22.8
3 S	1 E	WM	17	SW SW	10.3
3 S	1 E	WM	18	NE SE	20.1
3 S	1 E	WM	18	SE SE	16.5
Total					69.7

Permit B: VERNON BRUCK

Permit: G-17968 in the name of VERNON BRUCK
Use: NURSERY USE ON 69.7 ACRES
Priority Date: JUNE 3, 2009
Quantity: MAXIMUM RATE: 0.87 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, 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 year. The use of water for nursery use 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.

Period of Use: YEAR-ROUND
Source: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 – 280 FEET SOUTH AND 120 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	NE SE	WELL 3 – 590 FEET SOUTH AND 1290 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 – 1640 FEET SOUTH AND 515 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	17	NW SW	WELL 5 – 45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	SE SE	WELL 6 – 1640 FEET SOUTH AND 210 FEET WEST FROM THE E¼ CORNER OF SECTION 18

Authorized Place of Use:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	NW SW	22.8
3 S	1 E	WM	17	SW SW	10.3
3 S	1 E	WM	18	NE SE	20.1
3 S	1 E	WM	18	SE SE	16.5
Total					69.7

Split a Permit Review Criteria

7. The Department has verified the mailing address of each owner of the authorized place of use identified on the map contained in the application as follows:

Name and Address	Acres	Proportionate Rate (cfs)	Twp	Rng	Mer	Sec	Q-Q	Tax Lot
VERNON BRUCK PO BOX 2837 WILSONVILLE, OR 97070	27.8	0.35 CFS	3 S	1 E	WM	17 & 18	MULTIPLE	801
VERNON BRUCK PO BOX 2837 WILSONVILLE, OR 97070	41.9	0.52 CFS	3 S	1 E	WM	17 & 18		900, 3500, & 3600

8. The deeds supplied with the application, match the properties proposed for assignment.
9. The applicants affirmed the most recent water use under the permit has been exercised within the relevant terms and conditions of the water right permit.
10. The assignment and issuance of replacement permits would not result in injury to other water right holders.
11. The assignment and issuance of replacement permits would not result in enlargement of the permit.
12. The assignment and issuance of replacement permits does not alter any other terms of Permit G-17968.

Conclusions of Law

The assignment and issuance of replacement permits proposed by Application T-13824 are consistent with the requirements of ORS 537.225 and OAR Chapter 690, Division 325. If protests are not filed pursuant to OAR 690-325-0100, a final order will be issued approving the assignment and issuance of replacement permits.

If a final order approving the request for assignment and issuance of superseding permits is issued, the order will contain the following conditions:

- 1. The assignment and issuance of replacement permits proposed by Application T-13824 are approved.*
- 2. Permit G-18779, in the name of VERNON BRUCK, and Permit G-18780 in the name of VERNON BRUCK are issued to supersede Permit G-17968 (original permit). Permit G-17968 (original permit) is no longer of any force or affect.*
- 3. All other terms and conditions under Permit G-17968 (original permit) are incorporated into Permits G-18779 and G-18780 (superseding permits).*

Dated in Salem, Oregon on

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: _____

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

VERNON BRUCK
PO BOX 2837
WILSONVILLE, OR 97070

This superseding permit is issued to describe an extension of time for complete application of water approved December 19, 2014, an amendment for additional points of appropriation and a change in point of appropriation proposed under Permit Amendment Application T-12491 and approved by Special Order Vol. 107, Pages 627-629, entered February 6, 2018 and a Split a Permit, approved by Special Order Volume 122, Page _____, entered on _____. This permit, together with Permit G-18780 supersedes Permit G-17968.

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

APPLICATION FILE NUMBER: G-17230

SOURCE OF WATER: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 27.8 ACRES

MAXIMUM RATE: 0.35 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: JUNE 3, 2009

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 – 280 FEET SOUTH AND 120 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	NE SE	WELL 3 – 590 FEET SOUTH AND 1290 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 – 1640 FEET SOUTH AND 515 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	17	NW SW	WELL 5 – 45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	SE SE	WELL 6 – 1640 FEET SOUTH AND 210 FEET WEST FROM THE E¼ CORNER OF SECTION 18

The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, 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 year. The use of water for nursery use 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.

Authorized Place of Use:

NURSERY USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	NW SW	22.8
3 S	1 E	WM	17	SW SW	1.4
3 S	1 E	WM	18	NE SE	3.6
Total					27.8

Permit Amendment T-12491 Conditions:

The quantity of water diverted at the new points of appropriation, Wells 4, 5, and 6, shall not exceed the quantity of water lawfully available at the original point of appropriation, Well 1.

The combined quantity of water diverted at the new additional points of appropriation, Wells 4, 5, and 6, together with that diverted at the old points of appropriation, Wells 2 and 3, shall not exceed the quantity of water lawfully available at the original points of appropriation, Wells 2 and 3.

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

Extension of Time Conditions:

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2018 and 2023.

- 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.

Existing Permit Conditions:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee 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.
- C. The permittee shall allow the watermaster access to the meter; provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The well shall produce ground water only from the alluvial ground water reservoir.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain from a qualified individual (see below), 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 report 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 report seven consecutive annual 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 the user to 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 any of the following events occur:

- A. Annual water level measurement reveal an average water level decline of three or more feet per year for five consecutive years; or
- B. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water level measurements reveal 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-use or restricted use shall continue until the 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.

Prior to using water from any well listed in this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level or pump test data.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

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.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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 to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

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 original permit was issued March 11, 2010. Completion of construction and application of the water to the use was to be made on or before March 11, 2015. By Extension of Time dated December 19, 2014, the deadline for complete application of water was extended to October 1, 2024.

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.

Issued _____

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

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

VERNON BRUCK
PO BOX 2837
WILSONVILLE, OR 97070

This superseding permit is issued to describe an extension of time for complete application of water approved December 19, 2014, an amendment for additional points of appropriation and a change in point of appropriation proposed under Permit Amendment Application T-12491 and approved by Special Order Vol. 107, Pages 627-629, entered February 6, 2018 and a Split a Permit, approved by Special Order Volume 122, Page _____, entered on _____. This permit, together with Permit G-18779 supersedes Permit G-17968.

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

APPLICATION FILE NUMBER: G-17230

SOURCE OF WATER: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 41.9 ACRES

MAXIMUM RATE: 0.52 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: JUNE 3, 2009

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 – 280 FEET SOUTH AND 120 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	NE SE	WELL 3 – 590 FEET SOUTH AND 1290 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 – 1640 FEET SOUTH AND 515 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	17	NW SW	WELL 5 – 45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	SE SE	WELL 6 – 1640 FEET SOUTH AND 210 FEET WEST FROM THE E¼ CORNER OF SECTION 18

The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, 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 year. The use of water for nursery use 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.

Authorized Place of Use:

NURSERY USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	SW SW	8.9
3 S	1 E	WM	18	NE SE	16.5
3 S	1 E	WM	18	SE SE	16.5
Total					41.9

Permit Amendment T-12491 Conditions:

The quantity of water diverted at the new points of appropriation, Wells 4, 5, and 6, shall not exceed the quantity of water lawfully available at the original point of appropriation, Well 1.

The combined quantity of water diverted at the new additional points of appropriation, Wells 4, 5, and 6, together with that diverted at the old points of appropriation, Wells 2 and 3, shall not exceed the quantity of water lawfully available at the original points of appropriation, Wells 2 and 3.

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

Extension of Time Conditions:

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2018 and 2023.

- 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.

Existing Permit Conditions:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee 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.
- C. The permittee shall allow the watermaster access to the meter; provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The well shall produce ground water only from the alluvial ground water reservoir.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain from a qualified individual (see below), 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 report 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 report seven consecutive annual 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 the user to 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 any of the following events occur:

- A. Annual water level measurement reveal an average water level decline of three or more feet per year for five consecutive years; or
- B. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water level measurements reveal 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-use or restricted use shall continue until the 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.

Prior to using water from any well listed in this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level or pump test data.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

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.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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 to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

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 original permit was issued March 11, 2010. Completion of construction and application of the water to the use was to be made on or before March 11, 2015. By Extension of Time dated December 19, 2014, the deadline for complete application of water was extended to October 1, 2024.

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.

Issued _____

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

DAVIS Arla L * WRD

From: MARTIN Duff A * WRD
Sent: Wednesday, April 13, 2022 12:51 PM
To: DAVIS Arla L * WRD
Cc: BAUSTIAN Julie C * WRD
Subject: SAP T-13824
Attachments: SAP T-13824.pdf

Hi Arla,

SAP T-13824 has been reviewed by data no issues. The footers for the permits are referencing the wrong transfer number (just transposed some numbers). Otherwise, no other issues.
Time taken: 2 hours

Thanks,

Duff Martin

Data Tech 2

725 Summer St NE Salem, OR 97301



OREGON
WATER
RESOURCES
DEPARTMENT

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

Please use additional pages as needed

Part 4 of 5 – Other Landowner Information

Please list the owner(s) of land under the permit who are not submitting the assignment and request for issuance of replacement water right permit.

Landowner Information

LANDOWNER/BUSINESS NAME VERNON BRUCK		MAP ID (LETTER OR NUMBER) A	
MAILING ADDRESS PO Box 2837	CITY WILSONVILLE	STATE OR	ZIP 97070
TOTAL NUMBER OF ACRES UNDER THE PERMIT (AS DEPICTED ON MAP) 27.8 ACERS	PROPORTIONATE RATE 0.35 CFS		

RECEIVED

JUL 12 2021

Landowner Information

OWRD

LANDOWNER/BUSINESS NAME VERNON BRUCK		MAP ID (LETTER OR NUMBER) B	
MAILING ADDRESS PO Box 2837	CITY WILSONVILLE	STATE OR	ZIP 97070
TOTAL NUMBER OF ACRES UNDER THE PERMIT (AS DEPICTED ON MAP) 41.9 ACRES	PROPORTIONATE RATE 0.52 CFS		

Landowner Information

LANDOWNER/BUSINESS NAME NA		MAP ID (LETTER OR NUMBER)	
MAILING ADDRESS	CITY	STATE	ZIP
TOTAL NUMBER OF ACRES UNDER THE PERMIT (AS DEPICTED ON MAP)	PROPORTIONATE RATE		

Landowner Information

LANDOWNER/BUSINESS NAME NA		MAP ID (LETTER OR NUMBER)	
MAILING ADDRESS	CITY	STATE	ZIP
TOTAL NUMBER OF ACRES UNDER THE PERMIT (AS DEPICTED ON MAP)	PROPORTIONATE RATE		

13824

Part 5 of 5 – Permit Information

PERMIT # 17968

Completion date of the permit: OCTOBER 1, 2024

Name(s) currently appearing on permit: VERNON BRUCK

Type(s) of use as listed on permit: NURSERY

Note: Type of use must be one or more of the following uses approved for assignment under ORS 537.225(1) and OAR 690-325-0010: irrigation, nursery, temperature control, stock watering, or agricultural water use.

Table 1. Location of Authorized Point(s) of Diversion (POD) or Appropriation (POA)

POD/POA Name or Number	If POA, OWRD Well Log ID# (or Well ID Tag# L-)	Twp	Rng	Sec	1/4	Tax: Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 2	CLAC 50729	3	S	1	E	17 NW SW	801 280 feet south and 120 feet east from the W 1/4 corner, Section 17.
Well 3	NA	3	S	1	E	18 NE SE	3500 590 feet south and 1,290 feet west from the E 1/4 corner, Section 18.
Well 4	CLAC 74429	3	S	1	E	18 SE SE	Lot 1 1,640 feet south and 515 feet west from the E 1/4 corner, Section 18.
Well 5	NA	3	S	1	E	17 NW SW	801 45 feet south and 920 feet east from the W 1/4 corner, Section 17.
Well 6	NA	3	S	1	E	18 SE SE	Lot 1 1,640 feet south and 210 feet west from the E 1/4 corner, Section 18.

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JUL 12 2021

OWRD

13824

Please use additional pages of Table 2 as needed

Table 2. Description of Permit #17968.

List all parts of the permit (both assigned and unassigned). For the acreage or place(s) of use in each ¼, list the Map ID (letter or number from map and Parts 3 and 4) for each parcel. The acreage listed must equal the total acreage on the permit.

Description of Permitted Lands										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre (if applicable)	Type of Use	POD(s) or POA(s) (name or number from Table 1)	Map ID (letter or number from map and Parts 3 and 4)	
3 S	1 E	17	NW SW	801	NA	22.8	Nursery	Wells 2,3,4,5 & 6	A	
3 S	1 E	17	SW SW	801	Lot 1	1.4	Nursery	Wells 2,3,4,5 & 6	A	
3 S	1 E	17	SW SW	900	Lot 1	8.9	Nursery	Wells 2,3,4,5 & 6	B	
3 S	1 E	18	NE SE	801	NA	3.6	Nursery	Wells 2,3,4,5 & 6	A	
3 S	1 E	18	NE SE	3500	NA	16.5	Nursery	Wells 2,3,4,5 & 6	B	
3 S	1 E	18	SE SE	3600	Lot 1	16.5	Nursery	Wells 2,3,4,5 & 6	B	
TOTAL ACRES						69.7				

*Received 8-10-2021
DH*

Received by, OWRD

AUG 10 2021

Salem, OR

Permit #17968

Check the appropriate box, if applicable:

☐ Check here if any portion of the permit is located within an irrigation or other water district.

IRRIGATION DISTRICT NAME NA	ADDRESS	
CITY	STATE	ZIP

☐ Check here if water for any portion of the permit is supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP

Additional Remarks: The permit holder is in the process of selling a portion of his property and wishes to split the permit now to list the the tax lots within this sale as having their own separate water rights so that all the new owner needs to do is apply for an assignment.

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JUL 12 2021

OWRD

10-24
10
201

RECORDING REQUESTED BY
FIDELITY NATIONAL TITLE COMPANY OF OREGON
GRANTOR'S NAME

GRANTEE'S NAME
Vernon E. Bruck and Penny L. Bruck

SEND TAX STATEMENTS TO:
Mr. and Mrs. Vernon E. Bruck
29250 SW Bruck Lane
Wilsonville, OR 97070

AFTER RECORDING RETURN TO:
Mr. and Mrs. Vernon E. Bruck
29250 SW Bruck Lane
Wilsonville, OR 97070

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY SPECIAL WARRANTY DEED IN FULFILLMENT OF CONTRACT

Earl R. Bruck and Louise I. Bruck, as tenants in common Grantor, conveys and specifically warrants to

Vernon E. Bruck and Penny L. Bruck, Husband and Wife, Grantee, the following described real property, free and clear of encumbrances created or suffered by the Grantor except as specifically set forth below, situated in the County of Clackamas, State of Oregon,

SEE EXHIBIT ^A ~~ONE~~ ATTACHED HERETO AND MADE A PART HEREOF

Subject to and excepting:

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FULFILLMENT OF THAT CERTAIN CONTRACT RECORDED March 5, 1997 AS INSTRUMENT NO. 97015976, Clackamas COUNTY, OREGON. (See ORS 93.030)

DATED: March 16, 1998

Earl R. Bruck
Earl R. Bruck

Louise I. Bruck
Louise I. Bruck

41 ac

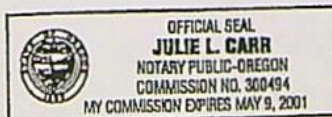
98-052587

STATE OF OREGON
COUNTY OF Clackamas

This instrument was acknowledged before me on
May 5, 1998

by Earl R. Bruck and Louise I. Bruck

Julie L. Carr
Notary Public for Oregon
My Commission Expires: 5/9/2001



13824



Oregon Water Resources
Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Application to Split A Permit and Request for Issuance of Replacement Permits

Affidavit of Non-Conveyance and Reading of Permit G-17968

State of Oregon)

County of Clackamas) ss

RECEIVED

JUL 12 2021

OWRD

I, VERNON BRUCK, mailing address PO BOX 2837, telephone number (503) 682-5749, being first duly sworn depose and say:

1. Permit G-17968, has not been conveyed or withheld and remains appurtenant to my land.
2. I attest that I have read Permit G-17968.

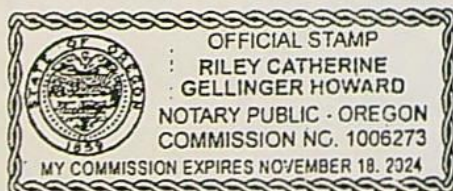
Vern Bruck
Signature of Affiant

6-1-21
Date

Signature of Affiant

Date

Signed and sworn to (or affirmed) before me this 1st day of June, 2021.



[Signature]
Notary Public for Oregon

My Commission Expires: November 18, 2024

13824

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

VERNON BRUCK
PO BOX 2837
WILSONVILLE, OR 97070

This superseding permit is issued to describe an amendment for additional points of appropriation and a change in point of appropriation proposed under Permit Amendment Application T-12491 and approved by Special Order Vol. 107, Page 627, entered FEB 06 2018 and to describe an extension of time for complete application of water approved December 19, 2014. This permit supersedes Permit G-16661.

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

APPLICATION FILE NUMBER: G-17230

SOURCE OF WATER: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 69.7 ACRES

MAXIMUM RATE: 0.87 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: JUNE 3, 2009

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 - 280 FEET SOUTH AND 120 FEET EAST FROM THE W 1/4 CORNER OF SECTION 17
3 S	1 E	WM	18	NE SE	WELL 3 - 590 FEET SOUTH AND 1290 FEET WEST FROM THE E 1/4 CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 - 1640 FEET SOUTH AND 515 FEET WEST FROM THE E 1/4 CORNER OF SECTION 18
3 S	1 E	WM	17	NW SW	WELL 5 - 45 FEET SOUTH AND 920 FEET EAST FROM THE W 1/4 CORNER OF SECTION 17
3 S	1 E	WM	18	SE SE	WELL 6 - 1640 FEET SOUTH AND 210 FEET WEST FROM THE E 1/4 CORNER OF SECTION 18

The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, 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 year. The use of water for nursery use 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.

Authorized Place of Use:

NURSERY USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	NW SW	22.8
3 S	1 E	WM	17	SW SW	10.3
3 S	1 E	WM	18	NE SE	20.1
3 S	1 E	WM	18	SE SE	16.5
Total					69.7

Permit A

1.4
3.6

Permit B

8.9
16.5

Permit Amendment T-12491 Conditions:

The quantity of water diverted at the new points of appropriation, Wells 4, 5, and 6, shall not exceed the quantity of water lawfully available at the original point of appropriation, Well 1.

The combined quantity of water diverted at the new additional points of appropriation, Wells 4, 5, and 6, together with that diverted at the old points of appropriation, Wells 2 and 3, shall not exceed the quantity of water lawfully available at the original points of appropriation, Wells 2 and 3.

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

Extension of Time Conditions:

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2018 and 2023.

- 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.

Existing Permit Conditions:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee 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.
- C. The permittee shall allow the watermaster access to the meter; provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The well shall produce ground water only from the alluvial ground water reservoir.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain from a qualified individual (see below), 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 report 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 report seven consecutive annual 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 the user to obtain and report annual static water level measurements beyond the seven year minimum reporting period. 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 any of the following events occur:

- A. Annual water level measurement reveal an average water level decline of three or more feet per year for five consecutive years; or
- B. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water level measurements reveal 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-use or restricted use shall continue until the 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.

Prior to using water from any well listed in this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level or pump test data.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

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.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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 to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

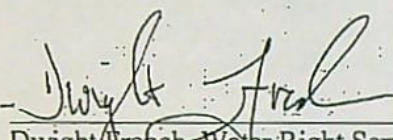
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 original permit was issued March 11, 2010. Completion of construction and application of the water to the use was to be made on or before March 11, 2015. By Extension of Time dated December 19, 2014, the deadline for complete application of water was extended to October 1, 2024.

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.

Issued FEB 06 2018



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

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number G-17230

FINAL ORDER

Extension of Time for Permit Number G-16661
Permit Holder: Vernon Bruck

Permit Information

Application:	G-17230
Permit:	G-16661
Basin:	2 – Willamette / Watermaster District 20
Date of Priority:	June 3, 2009
Source of Water:	Well 1 in Willamette River Basin and Well 2 and Well 3 in Newland Creek Basin
Purpose of Use:	Nursery use on 69.7 Acres
Maximum Rate:	0.87 cubic feet per second (cfs)

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or 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.

Application History

Permit G-16661 was issued by the Department on March 11, 2010. The permit called for completion of construction by March 11, 2015 and complete application of water to beneficial use by March 11, 2015. On July 7, 2014, Vernon Bruck submitted to the Department an Application for Extension of Time for Permit G-16661. In accordance with OAR 690-315-0050(2), on October 28, 2014, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2024, and the time to fully apply water to beneficial use to October 1, 2024. The protest period closed December 12, 2014, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated October 28, 2014.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to the following conditions:

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2018 and 2023. A form is enclosed with this Final Order.**

- (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.

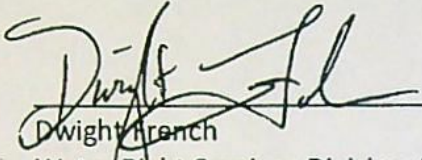
CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application G-17230, Permit G-16661, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to from March 11, 2015 to October 1, 2024. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from March 11, 2015 to October 1, 2024.

DATED: December 19, 2014



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

-
- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 986-0802.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Extension of Time
Progress Report Form
For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Vernon Bruck

Application G-17230

Permit G-16661

Progress Report for 2018

Report Due no later than October 1, 2018

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit G-16661.

FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

DATE	LIST ALL WORK AND/OR INVESTMENTS For the period of time between July 1, 2014 and December 31, 2014	FINANCIAL INVESTMENT

2. Describe actions to achieve compliance with conditions of the permit and/or previous extension.

3. Total number of acres irrigated to date: _____ (NA if not applicable)

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, to date.

Maximum rate used to date = _____ cfs (cubic feet per second)

or

Maximum rate used to date = _____ gpm (gallons per minute)

or

Acre Feet stored to date = _____ AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM.

Signature _____ Date _____

Printed Name/Title _____

Diligence Shown ☐ Yes ☐ No

Date Public Noticed: _____
For OWRD use only

Reviewed by: _____

Date: _____

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Permit Amendment	)	FINAL ORDER
T-12491, Clackamas County	)	APPROVING ADDITIONAL POINTS
	)	OF APPROPRIATION AND A
	)	CHANGE IN POINT OF
	)	APPROPRIATION

Authority

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

VERNON BRUCK
PO BOX 2837
WILSONVILLE, OR 97070

Findings of Fact

1. On September 23, 2016, VERNON BRUCK filed an application for additional points of appropriation and to change the point of appropriation of Well 1 under Permit G-16661. The Department assigned the application number T-12491.
2. On December 19, 2014, the Department approved an extension of time for complete application of water to October 1, 2024.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on October 4, 2016, and in the Wilsonville Spokesman newspaper on January 24, and 31, 2018, pursuant to ORS 540.520(5).
4. Permit Amendment Application T-12491 proposes additional points of appropriation and to move the authorized point of appropriation of Well 1 to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Well (feet)		
						Well 1	Well 2	Well 3
3 S	1 E	WM	18	SE SE	WELL 4 - 1640 FEET SOUTH AND 515 FEET WEST FROM THE E¼ CORNER OF SECTION 18	223	1505	1300
3 S	1 E	WM	17	NW SW	WELL 5 - 45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17	2346	844	2280

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 and OAR 690-01-0005 you may either petition for judicial review or 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.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Well (feet)		
						Well 1	Well 2	Well 3
3 S	1 E	WM	18	SE SE	WELL 6 - 1640 FEET SOUTH AND 210 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 18	525	1400	1493

Permit Amendment Review Criteria

5. The changes would not result in injury to other water rights.
6. The changes do not enlarge the permit.
7. The changes do not alter any other terms of the permit.

Conclusions of Law

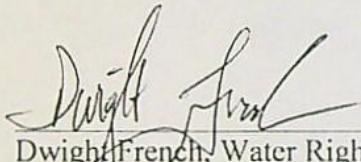
The additional points of appropriation and a change in point of appropriation from Well 1 proposed by Permit Amendment Application T-12491 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional points of appropriation and the change in point of appropriation from Well 1 proposed by Permit Amendment Application T-12491 are approved.
2. Permit G-17968, in the name of VERNON BRUCK, is issued to replace Permit G-16661, and incorporates the amendments approved by this order and the extension of time. Permit G-16661, in the name of VERNON BRUCK, is no longer of any force or effect.
3. The quantity of water diverted at the new points of appropriation, Wells 4, 5 and 6, shall not exceed the quantity of water lawfully available at the original point of appropriation, Well 1.
4. The combined quantity of water diverted at the new points of appropriation, Wells 4, 5 and 6, together with that diverted at the old points of appropriation, Wells 2 and 3, shall not exceed the quantity of water lawfully available at the original points of appropriation, Wells 2 and 3.
5. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. 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 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
6. Water shall be acquired from the same aquifer as the original points of appropriation.
7. The former place of use shall no longer be irrigated as part of this permit.
8. All other terms and conditions of Permit G-16661 remain the same.

Dated at Salem, Oregon this day FEB 06 2018.



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

Mailing Date: FEB 07 2018

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Permit Amendment	)	FINAL ORDER
T-12491, Clackamas County	)	APPROVING ADDITIONAL POINTS
	)	OF APPROPRIATION AND A
	)	CHANGE IN POINT OF
	)	APPROPRIATION

Authority

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

VERNON BRUCK
PO BOX 2837
WILSONVILLE, OR 97070

Findings of Fact

1. On September 23, 2016, VERNON BRUCK filed an application for additional points of appropriation and to change the point of appropriation of Well 1 under Permit G-16661. The Department assigned the application number T-12491.
2. On December 19, 2014, the Department approved an extension of time for complete application of water to October 1, 2024.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on October 4, 2016, and in the Wilsonville Spokesman newspaper on January 24, and 31, 2018, pursuant to ORS 540.520(5).
4. Permit Amendment Application T-12491 proposes additional points of appropriation and to move the authorized point of appropriation of Well 1 to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Well (feet)		
						Well 1	Well 2	Well 3
3 S	1 E	WM	18	SE SE	WELL 4 - 1640 FEET SOUTH AND 515 FEET WEST FROM THE E¼ CORNER OF SECTION 18	223	1505	1300
3 S	1 E	WM	17	NW SW	WELL 5 - 45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17	2346	844	2280

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 and OAR 690-01-0005 you may either petition for judicial review or 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.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Well (feet)		
						Well 1	Well 2	Well 3
3 S	1 E	WM	18	SE SE	WELL 6 - 1640 FEET SOUTH AND 210 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 18	525	1400	1493

Permit Amendment Review Criteria

5. The changes would not result in injury to other water rights.
6. The changes do not enlarge the permit.
7. The changes do not alter any other terms of the permit.

Conclusions of Law

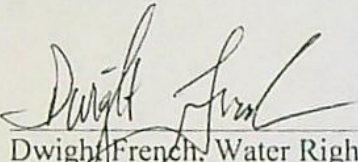
The additional points of appropriation and a change in point of appropriation from Well 1 proposed by Permit Amendment Application T-12491 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional points of appropriation and the change in point of appropriation from Well 1 proposed by Permit Amendment Application T-12491 are approved.
2. Permit G-17968, in the name of VERNON BRUCK, is issued to replace Permit G-16661, and incorporates the amendments approved by this order and the extension of time. Permit G-16661, in the name of VERNON BRUCK, is no longer of any force or effect.
3. The quantity of water diverted at the new points of appropriation, Wells 4, 5 and 6, shall not exceed the quantity of water lawfully available at the original point of appropriation, Well 1.
4. The combined quantity of water diverted at the new points of appropriation, Wells 4, 5 and 6, together with that diverted at the old points of appropriation, Wells 2 and 3, shall not exceed the quantity of water lawfully available at the original points of appropriation, Wells 2 and 3.
5. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. 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 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
6. Water shall be acquired from the same aquifer as the original points of appropriation.
7. The former place of use shall no longer be irrigated as part of this permit.
8. All other terms and conditions of Permit G-16661 remain the same.

Dated at Salem, Oregon this day FEB 06 2018.



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

Mailing Date: FEB 07 2018



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 20, 2021

VERNON BRUCK
PO BOX 2837
WILSONVILLE, OR 97070

Reference: Application T-13824

On July 15, 2021, OWRD received your signed contract to split a permit. The contract was accompanied by \$960.00. Our receipt number 136378 is enclosed.

The Department will issue a Draft Proposed Final Order with Draft Permits for your review within thirty days. Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

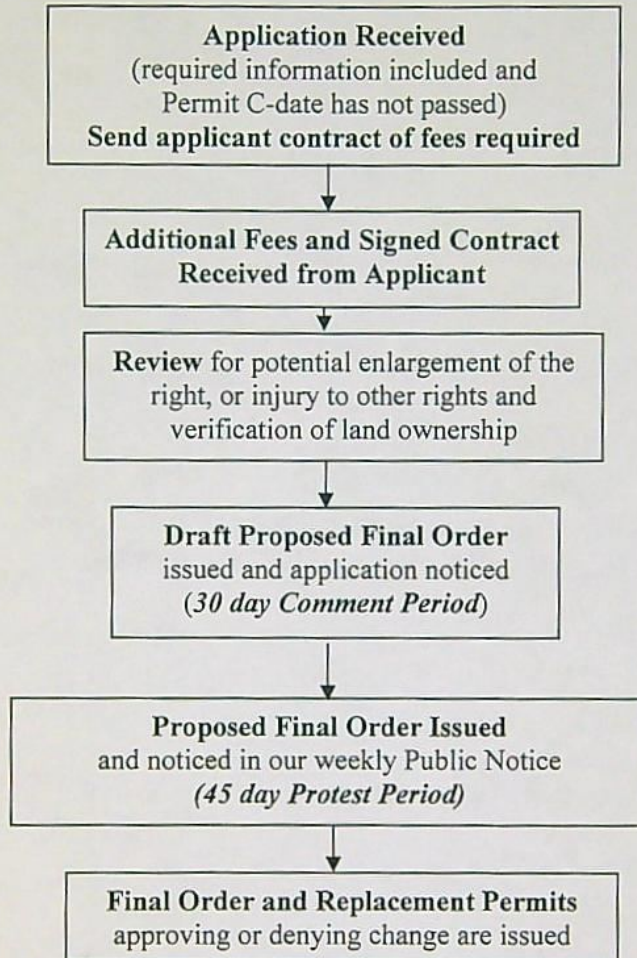
If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #20 (via email)
Doann Hamilton, Agent

Enclosure

Split a Permit Process

ORS 537.225





Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Application to Split A Permit and Request for Issuance of Replacement Permits (ORS 537.225)

Part 1 of 5 – Minimum Requirements Checklist

This application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

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Check all items included with this application.

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Application Map Checklist.
- ☒ Part 3 – Completed Application with non-refundable \$125.00 Application Fee, Applicant(s)' Information and Signature(s).
- ☒ Part 4 – Other Landowner Information and proportionate rate(s).
- ☒ Part 5 – Water Right Permit Information. List the permit number to be assigned here: G-17968.

Attachments:

- ☒ Completed application map prepared by Certified Water Right Examiner (CWRE).
- ☒ Completed Affidavit(s) from the applicant(s):
 - ☒ Certifying the permit has not been conveyed or withheld, and remains appurtenant to the applicant's land.
 - ☒ Certifying the applicant has read the permit.
- ☒ Copy(s) of current recorded deed(s) showing that the applicant(s) is/are an owner of the land(s) to which the permit is appurtenant.

INSTRUCTIONS for editing the Application Form

Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g., Page 5 6 of 9 10).

You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

For Staff Accounting Purposes Only – PCA #46110–Object #

72881

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Part 2 of 5 -Application Map Checklist

This application will be returned if any of the map requirements listed below are not met.

Please be sure that the map you submit is based upon the original water right application map or permit amendment map and includes all the items listed below and meets the requirements of OAR 690-325-0050. Check all boxes that apply.

The map shall not include any unauthorized change to the authorized place of use outside of its original perimeters as exhibited on the original water right application map or approved permit amendment map nor any unauthorized change to the location of the point(s) of diversion or appropriation as exhibited on the original water right application map or approved permit amendment map.

- ☒ Certified Water Right Examiner (CWRE) Stamp and Signature. For a list of CWRE's, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one additional paper copy and an electronic copy in a .pdf, .tiff or .jpg format is required.
- ☒ A north arrow, a legend, and scale. The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ The place of use of each applicant's portion of the water right permit shall be clearly defined by outline and shaded or hachured and shall show the number of acres for each portion in each quarter-quarter section, government lot, or quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If the permit has multiple priority dates or uses, the lands to be served by each priority date and on which use is authorized, must be separately identified.
- ☒ The place of use of any part of the permit **not** being assigned shall be clearly defined by outline and shaded or hachured and shall show the number of acres for each portion in each quarter-quarter section, government lot, or quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If the permit has multiple priority dates or uses, the lands to be served by each priority date and on which use is authorized, must be separately identified.
- ☒ Each applicant's portion of the permit shall be referenced, by either alphabet letter or number, to each applicant(s) listed in the application form.
- ☒ The rate and any applicable acre-feet allowance of water use under the permit for each applicant's portion of the permit shall be clearly labeled on the map.
- ☒ The location of each authorized point of diversion or appropriation.

Please use additional pages as needed

Part 3 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME VERNON BRUCK		MAP ID (LETTER OR NUMBER) A	PHONE NO. (503) 682-5749	ADDITIONAL CONTACT NO.
ADDRESS PO Box 2837			FAX NO.	
CITY WILSONVILLE	STATE OR	ZIP 97070	E-MAIL NONE	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER AND REPLACEMENT PERMIT DOCUMENTS WILL ALSO BE MAILED.				

Agent Information – This agent is authorized to represent the above applicant in all matters relating to this application

AGENT/BUSINESS NAME Doann Hamilton/Pacific Hydro-Geology, Inc.		PHONE NO. (503) 632-5016	ADDITIONAL CONTACT NO. (503) 349-6946 (cell)
ADDRESS 18487 S. Valley Vista Road		FAX NO. (503) 632-5983	
CITY Mulino	STATE OR	ZIP 97042	E-MAIL phgdmh@gmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER AND REPLACEMENT PERMIT DOCUMENTS WILL ALSO BE MAILED.			

ORS 536.050(1)(aa) authorizes the Oregon Water Resources Department (OWRD) to collect fees based upon the actual cost of work to process an application under ORS 537.225.

I (we) understand the following:

- Upon receipt of my complete application and the non-refundable application fee in the amount of \$125.00, OWRD will, within fifteen (15) days, notify me in writing of the estimate of the cost of work.
- The non-refundable \$125.00 fee covers the cost of OWRD's staff to evaluate and provide the cost of work estimate for processing the application.
- Upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost of work in advance to initiate the processing of the application.
- If I decline to enter into a formal contract, OWRD will close my application.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- OWRD does not guarantee a favorable review of the application.

I (we) affirm that the most recent water use (if any) under my (our) portion of the permit has been exercised within the relevant terms and conditions of the permit.

I (we) affirm that the information contained in this application is true and accurate.



Vernon Bruck
Applicant signature

Vernon Bruck
Name (and title if applicable) (print)

6-10-21
Date

Applicant signature

Name (and title if applicable) (print)

Date

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Applicant Information


APPLICANT/BUSINESS NAME VERNON BRUCK		MAP ID (LETTER OR NUMBER) B	PHONE NO. (503) 682-5749	ADDITIONAL CONTACT NO.
ADDRESS PO Box 2837				FAX NO.
CITY WILSONVILLE	STATE OR	ZIP 97070	E-MAIL NONE	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER AND REPLACEMENT PERMIT DOCUMENTS WILL ALSO BE MAILED.				

Agent Information – This agent is authorized to represent the above applicant in all matters relating to this application

AGENT/BUSINESS NAME Doann Hamilton/Pacific Hydro-Geology, Inc.		PHONE NO. (503) 632-5016	ADDITIONAL CONTACT NO. (503) 349-6946 (cell)	
ADDRESS 18487 S. Valley Vista Road			FAX NO. (503) 632-5983	
CITY Mulino	STATE OR	ZIP 97042	E-MAIL phgdmh@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER AND REPLACEMENT PERMIT DOCUMENTS WILL ALSO BE MAILED.				

I (we) affirm that the most recent water use (if any) under my (our) portion of the permit has been exercised within the relevant terms and conditions of the permit.

I (we) affirm that the information contained in this application is true and accurate.

 *Vernon Bruck* *Vernon Bruck* *6-10-21*
Applicant signature Name (and title if applicable) (print) Date

Applicant signature Name (and title if applicable) (print) Date

RECEIVED**JUL 12 2021****OWRD****Applicant Information**


APPLICANT/BUSINESS NAME NA		MAP ID (LETTER OR NUMBER)	PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER AND REPLACEMENT PERMIT DOCUMENTS WILL ALSO BE MAILED.				

Agent Information – This agent is authorized to represent the above applicant in all matters relating to this application

AGENT/BUSINESS NAME NA		PHONE NO.	ADDITIONAL CONTACT NO.	
ADDRESS			FAX NO.	
CITY	STATE	ZIP	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER AND REPLACEMENT PERMIT DOCUMENTS WILL ALSO BE MAILED.				

I (we) affirm that the most recent water use (if any) under my (our) portion of the permit has been exercised within the relevant terms and conditions of the permit.

I (we) affirm that the information contained in this application is true and accurate.

 **NA** _____ _____
Applicant signature Name (and title if applicable) (print) Date

Applicant signature Name (and title if applicable) (print) Date **13824**

Please use additional pages as needed

Part 4 of 5 – Other Landowner Information

Please list the owner(s) of land under the permit who are not submitting the assignment and request for issuance of replacement water right permit.

Landowner Information

LANDOWNER/BUSINESS NAME VERNON BRUCK		MAP ID (LETTER OR NUMBER) A	
MAILING ADDRESS PO BOX 2837	CITY WILSONVILLE	STATE OR	ZIP 97070
TOTAL NUMBER OF ACRES UNDER THE PERMIT (AS DEPICTED ON MAP) 27.8 ACERS	PROPORTIONATE RATE 0.35 CFS		

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Landowner Information

LANDOWNER/BUSINESS NAME VERNON BRUCK		MAP ID (LETTER OR NUMBER) B	
MAILING ADDRESS PO BOX 2837	CITY WILSONVILLE	STATE OR	ZIP 97070
TOTAL NUMBER OF ACRES UNDER THE PERMIT (AS DEPICTED ON MAP) 41.9 ACRES	PROPORTIONATE RATE 0.52 CFS		

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Landowner Information

LANDOWNER/BUSINESS NAME NA		MAP ID (LETTER OR NUMBER)	
MAILING ADDRESS	CITY	STATE	ZIP
TOTAL NUMBER OF ACRES UNDER THE PERMIT (AS DEPICTED ON MAP)	PROPORTIONATE RATE		

Landowner Information

LANDOWNER/BUSINESS NAME NA		MAP ID (LETTER OR NUMBER)	
MAILING ADDRESS	CITY	STATE	ZIP
TOTAL NUMBER OF ACRES UNDER THE PERMIT (AS DEPICTED ON MAP)	PROPORTIONATE RATE		

13824

Part 5 of 5 – Permit Information

PERMIT # 17968

Completion date of the permit: OCTOBER 1, 2024

Name(s) currently appearing on permit: VERNON BRUCK

Type(s) of use as listed on permit: NURSERY

Note: Type of use must be one or more of the following uses approved for assignment under ORS 537.225(1) and OAR 690-325-0010: irrigation, nursery, temperature control, stock watering, or agricultural water use.

Table 1. Location of Authorized Point(s) of Diversion (POD) or Appropriation (POA)

POD/POA Name or Number	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 2	CLAC 50729	3 S	1 E	17	NW SW	801	280 feet south and 120 feet east from the W ¼ corner, Section 17.
Well 3	NA	3 S	1 E	18	NE SE	3500	590 feet south and 1,290 feet west from the E ¼ corner, Section 18.
Well 4	CLAC 74429	3 S	1 E	18	SE SE	Lot 1	1,640 feet south and 515 feet west from the E ¼ corner, Section 18.
Well 5	NA	3 S	1 E	17	NW SW	801	45 feet south and 920 feet east from the W ¼ corner, Section 17.
Well 6	NA	3 S	1 E	18	SE SE	Lot 1	1,640 feet south and 210 feet west from the E ¼ corner, Section 18.

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Please use additional pages of Table 2 as needed

Table 2. Description of Permit #17968.

List all parts of the permit (both assigned and unassigned). For the acreage or place(s) of use in each $\frac{1}{4}$, list the Map ID (letter or number from map and Parts 3 and 4) for each parcel. The acreage listed must equal the total acreage on the permit.

Description of Permitted Lands										
Twp	Rng	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acre (if applicable)	Type of Use	POD(s) or POA(s) (name or number from Table 1)	Map ID (letter or number from map and Parts 3 and 4)	
3 S	1 E	17	NW SW	801	NA	22.8	Nursery	Wells 2,3,4,5 & 6	A	
3 S	1 E	17	SW SW	801	Lot 1	1.4	Nursery	Wells 2,3,4,5 & 6	A	
3 S	1 E	17	SW SW	900	Lot 1	8.9	Nursery	Wells 2,3,4,5 & 6	B	
3 S	1 E	18	NE SE	801	NA	3.6	Nursery	Wells 2,3,4,5 & 6	A	
3 S	1 E	18	NE SE	3500	NA	16.5	Nursery	Wells 2,3,4,5 & 6	B	
3 S	1 E	18	SE SE	3600	Lot 1	16.5	Nursery	Wells 2,3,4,5 & 6	B	
TOTAL ACRES						69.7				

*Revised 8-10-2021
DH*

Received by OWRD

AUG 10 2021

Salem, OR

Check the appropriate box, if applicable:

- ☐ Check here if any portion of the permit is located within an irrigation or other water district.

IRRIGATION DISTRICT NAME NA	ADDRESS	
CITY	STATE	ZIP

- ☐ Check here if water for any portion of the permit is supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP

Additional Remarks: The permit holder is in the process of selling a portion of his property and wishes to split the permit now to list the the tax lots within this sale as having their own separate water rights so that all the new owner needs to do is apply for an assignment.

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STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

VERNON BRUCK
PO BOX 2837
WILSONVILLE, OR 97070

This superseding permit is issued to describe an amendment for additional points of appropriation and a change in point of appropriation proposed under Permit Amendment Application T-12491 and approved by Special Order Vol. 107, Page 627, entered FEB 06 2018 and to describe an extension of time for complete application of water approved December 19, 2014. This permit supersedes Permit G-16661.

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

APPLICATION FILE NUMBER: G-17230

SOURCE OF WATER: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 69.7 ACRES

MAXIMUM RATE: 0.87 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: JUNE 3, 2009

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 - 280 FEET SOUTH AND 120 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	NE SE	WELL 3 - 590 FEET SOUTH AND 1290 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 - 1640 FEET SOUTH AND 515 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	17	NW SW	WELL 5 - 45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	SE SE	WELL 6 - 1640 FEET SOUTH AND 210 FEET WEST FROM THE E¼ CORNER OF SECTION 18

The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, 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 year. The use of water for nursery use 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.

Authorized Place of Use:

NURSERY USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	NW SW	22.8
3 S	1 E	WM	17	SW SW	10.3
3 S	1 E	WM	18	NE SE	20.1
3 S	1 E	WM	18	SE SE	16.5
Total					69.7

Permit Amendment T-12491 Conditions:

The quantity of water diverted at the new points of appropriation, Wells 4, 5, and 6, shall not exceed the quantity of water lawfully available at the original point of appropriation, Well 1.

The combined quantity of water diverted at the new additional points of appropriation, Wells 4, 5, and 6, together with that diverted at the old points of appropriation, Wells 2 and 3, shall not exceed the quantity of water lawfully available at the original points of appropriation, Wells 2 and 3.

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

Extension of Time Conditions:

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2018 and 2023.

- 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.

Existing Permit Conditions:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee 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.
- C. The permittee shall allow the watermaster access to the meter; provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The well shall produce ground water only from the alluvial ground water reservoir.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain from a qualified individual (see below), 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 report 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 report seven consecutive annual 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 the user to obtain and report annual static water level measurements beyond the seven year minimum reporting period. 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 any of the following events occur:

- A. Annual water level measurement reveal an average water level decline of three or more feet per year for five consecutive years; or
- B. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water level measurements reveal 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-use or restricted use shall continue until the 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.

Prior to using water from any well listed in this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level or pump test data.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

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.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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 to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

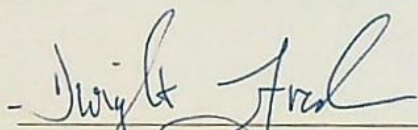
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end

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 original permit was issued March 11, 2010. Completion of construction and application of the water to the use was to be made on or before March 11, 2015. By Extension of Time dated December 19, 2014, the deadline for complete application of water was extended to October 1, 2024.

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.

Issued FEB 06 2018



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



Oregon Water Resources
Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Application to Split A Permit and Request for Issuance of Replacement Permits

Affidavit of Non-Conveyance and Reading of Permit G-17968

State of Oregon)

County of Clackamas)

)
) ss
)

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JUL 12 2021

OWRD

I, VERNON BRUCK, mailing address PO BOX 2837, telephone number (503) 682-5749, being first duly sworn depose and say:

1. Permit G-17968, has not been conveyed or withheld and remains appurtenant to my land.
2. I attest that I have read Permit G-17968.

Vernon Bruck

Signature of Affiant

6-1-21

Date

Signature of Affiant

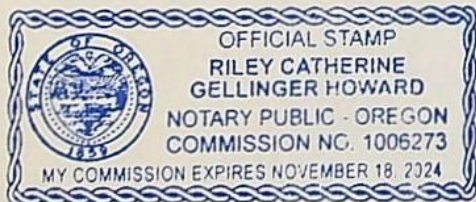
Date

Signed and sworn to (or affirmed) before me this 1st day of June, 2021.

[Signature]

Notary Public for Oregon

My Commission Expires: November 18, 2024



13824

1024
10
201

RECORDING REQUESTED BY
FIDELITY NATIONAL TITLE COMPANY OF OREGON

GRANTOR'S NAME

GRANTEE'S NAME

Vernon E. Bruck and Penny L. Bruck

SEND TAX STATEMENTS TO:

Mr. and Mrs. Vernon E. Bruck
29250 SW Bruck Lane
Wilsonville, OR 97070

AFTER RECORDING RETURN TO:

Mr. and Mrs. Vernon E. Bruck
29250 SW Bruck Lane
Wilsonville, OR 97070

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY SPECIAL WARRANTY DEED IN FULFILLMENT OF CONTRACT

Earl R. Bruck and Louise I. Bruck, as tenants in common Grantor, conveys and specifically warrants to

Vernon E. Bruck and Penny L. Bruck, Husband and Wife, Grantee, the following described real property, free and clear of encumbrances created or suffered by the Grantor except as specifically set forth below, situated in the County of Clackamas, State of Oregon,

SEE EXHIBIT ^A~~B~~ ATTACHED HERETO AND MADE A PART HEREOF

Subject to and excepting:

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FULFILLMENT OF THAT CERTAIN CONTRACT RECORDED March 5, 1997 AS INSTRUMENT NO. 97015976, Clackamas COUNTY, OREGON. (See ORS 93.030)

DATED: March 16, 1998

4/ ac

Earl R. Bruck

Earl R. Bruck

Louise I. Bruck

Louise I. Bruck

98-052587

STATE OF OREGON

COUNTY OF Clackamas

This instrument was acknowledged before me on

May 5, 1998

by Earl R. Bruck and Louise I. Bruck

Julie L. Carr

Notary Public for Oregon

My Commission Expires: 5/9/2001



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FIDELITY NATIONAL TITLE CO. 12-172244

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EXHIBIT A

A tract of land situated in the Northeast quarter of the Southeast quarter of Section 18, T3S, R1E, and in the West half of the Southwest quarter of Section 17, T3S, R1E, of the WM, Clackamas County and State of Oregon, described as follows:

Beginning at a stone at the West one-quarter corner of Section 17, thence South 89°55'50" East along the North line of the Southwest quarter of Section 17, 1051.53 feet to a stone set on the Division line of the William and Elizabeth Evans Claim; thence South 2°25'43" East along said Division line, 1385.90 feet to a 1½" axle shaft; thence continuing along said division line, South 00°04'58" East 661.11 feet to a ¾" rod set at the Northwest corner of the Oregon State Park tract; thence North 33°27'41" West 1757.33 feet to a 5/8" iron rod; thence North 89°36'55" West, parallel with the North line of the Southeast quarter of Section 18, 1469.50 feet to a 5/8" iron rod set on the West line of the Northeast quarter of the Southeast quarter of Section 18; thence North 00°21'19" East along said line, 250.00 feet to the Southwest corner of that tract as described as Parcel II in Fee No. 92-65336, Deed Records; thence South 89°36'55" East along the South line of said tract, 895.40 feet to the Southeast corner thereof; thence North 00°27'33" East along the East line of said tract, 330.00 feet to the Northeast corner thereof; thence South 89°36'55" East along the North line of the Southeast quarter of Section 18, 427.64 feet to the point of beginning.

Area
A

TOGETHER with a certain twenty (20.00) foot easement for road purposes described in deed recorded June 8, 1909, Book 109, Page 286, Deed Records.

SUBJECT TO a forty (40.00) foot road easement along the West line of the above described 41.00 acre tract.

41 ac

13824

2

STATE OF OREGON 98-052587
CLACKAMAS COUNTY
Received and placed in the public
records of Clackamas County
RECEIPT# AND FEE: 98074138 \$40.00
DATE AND TIME: 06/12/98 11:58 AM
JOHN KAUFFMAN, COUNTY CLERK

Clackamas County Official Records
Sherry Hall, County Clerk

2007-100291



After recording return to:
Vernon E. Bruck and Penny L. Bruck
PO Box 2837
Wilsonville, OR 97070

Until a change is requested all tax statements
shall be sent to the following address:
Vernon E. Bruck and Penny L. Bruck
PO Box 2837
Wilsonville, OR 97070

File No.: 7075-1116118 (DEW)
Date: November 26, 2007



\$41.00

01167048200701002910030031

11/30/2007 10:49:31 AM

D-D Cnt=1 Stn=5 LESLIE
\$15.00 \$16.00 \$10.00

STATUTORY WARRANTY DEED

Delma E. Holland, as to a 1/3 interest, Grantor, conveys and warrants to **Vernon E. Bruck and Penny L. Bruck as tenants by the entirety**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$350,000.00**. (Here comply with requirements of ORS 93.030)

8001

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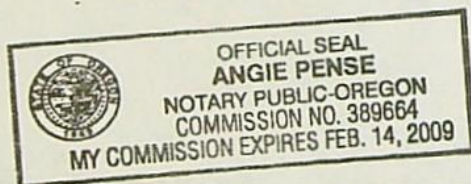
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated this 28 day of November, 2007.

Delma E. Holland
Delma E. Holland

STATE OF Oregon)
County of Multnomah) ss.

This instrument was acknowledged before me on this 28th day of November, 2007
by **Delma E. Holland**.



Angie Pense
Angie Pense
Notary Public for Oregon
My commission expires: 2/14/2009

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EXHIBIT A**LEGAL DESCRIPTION:**

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER AND LOT 1 OF SECTION 18, AND IN THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER AND LOT 4 OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH ONE-QUARTER SECTION CORNER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN; THENCE SOUTH 00° 30' 00" WEST, 2310 FEET TO AN IRON PIPE IN THE CENTER OF HOMER KRUSE ROAD; THENCE EAST, 1346.53 FEET TO A 5/8-INCH IRON ROD AT THE NORTHEAST CORNER OF DEED AS FEE NO. 99-064550; THENCE ALONG THE EAST LINE OF SAID DEED FEE, SOUTH 00° 29' 00" EAST, 897.78 FEET TO THE TRUE POINT-OF-BEGINNING; THENCE NORTH 89° 24' 22" EAST, 1478.67 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "PACIFIC SURVEYS PLS 2319"; THENCE SOUTH 34° 25' 56" EAST, 1426.58 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING"; THENCE SOUTH 00° 58' 35" EAST, 1480.25 FEET TO THE WILLAMETTE RIVER; THENCE ALONG SAID RIVER THE FOLLOWING COURSES: 602.55 FEET ALONG THE ARC OF A 6652.64 FOOT RADIUS NON TANGENT CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 05° 11' 22" (THE CHORD OF WHICH BEARS NORTH 49° 16' 44" WEST, 602.34 FEET); 601.01 FEET ALONG THE ARC OF A 3225.60 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 10° 40' 32" (THE CHORD OF WHICH BEARS NORTH 57° 12' 41" WEST, 600.14 FEET); 542.75 FEET ALONG THE ARC OF A 2239.10 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 13° 53' 18" (THE CHORD OF WHICH BEARS NORTH 69° 29' 36" WEST, 541.42 FEET); 352.01 FEET ALONG THE ARC OF A 935.36 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 21° 33' 45" (THE CHORD OF WHICH BEARS NORTH 87° 13' 08" WEST, 349.94 FEET); THENCE NORTH 00° 29' 00" WEST, 424.47 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "PACIFIC SURVEYS PLS 2319"; THENCE NORTH 40° 34' 34" WEST, 742.65 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING" ON THE EAST LINE OF DEED AS FEE NO. 99-064550; THENCE ALONG SAID EAST LINE, NORTH 00° 29' 00" WEST, 728.24 FEET TO THE TRUE POINT OF BEGINNING.

*Area
B*

TOGETHER WITH AN EASEMENT FOR ROAD PURPOSES OVER THAT TRACT OF LAND DESCRIBED IN BOOK 109, PAGES 286 AND 287, DEED RECORDS OF CLACKAMAS COUNTY, OREGON.

*B1 or***RECEIVED****JUL 12 2021****OWRD***(B)* 13824

AFTER RECORDING RETURN TO:
Reif, Reif & Thalhofer, Attorneys
P. O. Box 729
Canby, OR 97013-0729

Clackamas County Official Records
Sherry Hall, County Clerk

2008-003361

UNTIL OTHERWISE REQUESTED,
SEND TAX STATEMENTS TO:
Vernon Bruck
P O Box 2837
Wilsonville OR 97070



\$41.00

01179583200800033610030035

01/16/2008 09:18:33 AM

D-D Cnt=1 Str=9 DIANNAW
\$15.00 \$16.00 \$10.00

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**BARGAIN AND SALE DEED
(Deed of Gift)**

RECITALS:

1. **VERNON BRUCK** and **PENNY BRUCK** are husband and wife.
2. **EARL R. BRUCK** and **LOUISE I. BRUCK** are husband and wife.
3. **VERNON BRUCK** and **PENNY BRUCK** own an undivided one-third (1/3) interest in the real property described in the attached Exhibit A.
4. **EARL R. BRUCK** is Trustee of the **EARL R. BRUCK REVOCABLE LIVING TRUST** dated July 3, 1991, as amended and restated May 15, 1992, and is also the Trustee of the **LOUISE I. BRUCK REVOCABLE LIVING TRUST** dated July 3, 1991, as amended and restated May 15, 1992, as to an undivided two-thirds (2/3) interest.
5. It is the intent of this deed for **EARL R. BRUCK**, Individually and as the Trustee of the Trust described in Recital 4 above and **LOUISE I. BRUCK**, Individually, to transfer as a gift the real property described in Exhibit A to **VERNON BRUCK** and **PENNY BRUCK**.

NOW, THEREFORE,

KNOW ALL MEN BY THESE PRESENTS, that **EARL R. BRUCK**, Trustee of the **EARL R. BRUCK REVOCABLE LIVING TRUST** dated July 3, 1991, as amended and restated May 15, 1992, **EARL R. BRUCK**, Trustee of the **LOUISE I. BRUCK REVOCABLE TRUST**, dated July 3, 1991, as amended and restated May 15, 1992, and **EARL R. BRUCK** and **LOUISE I. BRUCK**, husband and wife, as individuals, hereinafter collectively called GRANTOR, for the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto **VERNON BRUCK** and **PENNY BRUCK**, husband and wife, hereinafter called GRANTEE, and unto GRANTEE'S heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Clackamas, State of Oregon, described as follows, to wit:

SEE EXHIBIT A.

TO HAVE AND TO HOLD the same unto the said GRANTEE and GRANTEE'S heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$NIL. This is a Deed of Gift for which the fair market value is \$700,000.00

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (BALLOT MEASURE 49 (2007)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (BALLOT MEASURE 49 (2007)).

13824

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this day of 15th day of Jan., 2008.

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Earl R. Bruck
Earl R. Bruck, Trustee of the Earl R. Bruck
Revocable Living Trust - Grantor

Earl R. Bruck
Earl R. Bruck, Trustee of the Louise I.
Bruck Revocable Living Trust - Grantor

Earl R. Bruck
Earl R. Bruck, Individually

Louise I. Bruck
Louise I. Bruck, Individually

STATE OF OREGON)
County of Clackamas) ss.

January 15, 2008

Before me personally appeared the above named **EARL R. BRUCK**, Individually, and as Trustee of the **EARL R. BRUCK REVOCABLE LIVING TRUST** and as Trustee of the **LOUISE I. BRUCK REVOCABLE LIVING TRUST** and acknowledged the foregoing instrument to be his voluntary act and deed.



Diane R. Weirich
Notary Public for Oregon
My Commission Expires: February 2, 2010

STATE OF OREGON)
County of Clackamas) ss.

January 15, 2008

Before me personally appeared the above named **LOUISE I. BRUCK**, Individually, and acknowledged the foregoing instrument to be her voluntary act and deed.



Diane R. Weirich
Notary Public for Oregon
My Commission Expires: February 2, 2010

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JUL 12 2021

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Exhibit "A"

Real property in the County of Clackamas, State of Oregon, described as follows:

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER AND LOT 1 OF SECTION 18, AND IN THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER AND LOT 4 OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH ONE-QUARTER SECTION CORNER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN; THENCE SOUTH $00^{\circ} 30' 00''$ WEST, 2310 FEET TO AN IRON PIPE IN THE CENTER OF HOMER KRUSE ROAD; THENCE EAST, 1346.53 FEET TO A 5/8-INCH IRON ROD AT THE NORTHEAST CORNER OF DEED AS FEE NO. 99-064550; THENCE ALONG THE EAST LINE OF SAID DEED FEE, SOUTH $00^{\circ} 29' 00''$ EAST, 897.78 FEET TO THE TRUE POINT-OF-BEGINNING; THENCE NORTH $89^{\circ} 24' 22''$ EAST, 1478.67 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "PACIFIC SURVEYS PLS 2319"; THENCE SOUTH $34^{\circ} 25' 56''$ EAST, 1426.58 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING"; THENCE SOUTH $00^{\circ} 58' 35''$ EAST, 1480.25 FEET TO THE WILLAMETTE RIVER; THENCE ALONG SAID RIVER THE FOLLOWING COURSES: 602.55 FEET ALONG THE ARC OF A 6652.64 FOOT RADIUS NON TANGENT CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF $05^{\circ} 11' 22''$ (THE CHORD OF WHICH BEARS NORTH $49^{\circ} 16' 44''$ WEST, 602.34 FEET); 601.01 FEET ALONG THE ARC OF A 3225.60 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF $10^{\circ} 40' 32''$ (THE CHORD OF WHICH BEARS NORTH $57^{\circ} 12' 41''$ WEST, 600.14 FEET); 542.75 FEET ALONG THE ARC OF A 2239.10 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF $13^{\circ} 53' 18''$ (THE CHORD OF WHICH BEARS NORTH $69^{\circ} 29' 36''$ WEST, 541.42 FEET); 352.01 FEET ALONG THE ARC OF A 935.36 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF $21^{\circ} 33' 45''$ (THE CHORD OF WHICH BEARS NORTH $87^{\circ} 13' 08''$ WEST, 349.94 FEET); THENCE NORTH $00^{\circ} 29' 00''$ WEST, 424.47 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "PACIFIC SURVEYS PLS 2319"; THENCE NORTH $40^{\circ} 34' 34''$ WEST, 742.65 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING" ON THE EAST LINE OF DEED AS FEE NO. 99-064550; THENCE ALONG SAID EAST LINE, NORTH $00^{\circ} 29' 00''$ WEST, 728.24 FEET TO THE TRUE POINT OF BEGINNING.

Area
B

TOGETHER WITH AN EASEMENT FOR ROAD PURPOSES OVER THAT TRACT OF LAND DESCRIBED IN BOOK 109, PAGES 286 AND 287, DEED RECORDS OF CLACKAMAS COUNTY, OREGON.

Tax Parcel Number: 00767646

8/10

(3)

13824

18487 S. Valley Vista Rd.
Mulino, Oregon 97042
(503) 632-5016 Phone
(503) 632-5983 Fax

Pacific Hydro-Geology Inc.

Memo

To: Oregon Water Resources Department / Arla Davis
From: Doann Hamilton, CWRE
CC:
Date: August 10, 2021
Re: Application G-17230, Permit G-17968 Split permit application.

On July 22, 2021, we received an email message from Arla Davis from OWRD concerning the application and map submitted for a split of permit for our client Vernon Bruck, Application G-17230, Permit G-17968, with respect to the proposed allocation of wells to specific acreages. Corrections have been made to the application and map to assign all of the authorized wells to both applicants. Attached are the corrected page 7 of the application and map to reflect this change.



Received by OWRD

AUG 10 2021

Salem, OR

Please use additional pages of Table 2 as needed

Table 2. Description of Permit #17968.

List all parts of the permit (both assigned and unassigned). For the acreage or place(s) of use in each $\frac{1}{4}$, list the Map ID (letter or number from map and Parts 3 and 4) for each parcel. The acreage listed must equal the total acreage on the permit.



Description of Permitted Lands												
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres (if applicable)	Type of Use	POD(s) or POA(s) (name or number from Table 1)	Map ID (letter or number from map and Parts 3 and 4)
3	S	1	E	17	NW	SW	801	NA	22.8	Nursery	Wells 2 & 5	A
3	S	1	E	17	SW	SW	801	Lot 1	1.4	Nursery	Wells 2 & 5	A
3	S	1	E	17	SW	SW	900	Lot 1	8.9	Nursery	Wells 3, 4, & 6	B
3	S	1	E	18	NE	SE	801	NA	3.6	Nursery	Wells 2 & 5	A
3	S	1	E	18	NE	SE	3500	NA	16.5	Nursery	Wells 3, 4, & 6	B
3	S	1	E	18	SE	SE	3600	Lot 1	16.5	Nursery	Wells 3, 4, & 6	B
TOTAL ACRES									69.7			

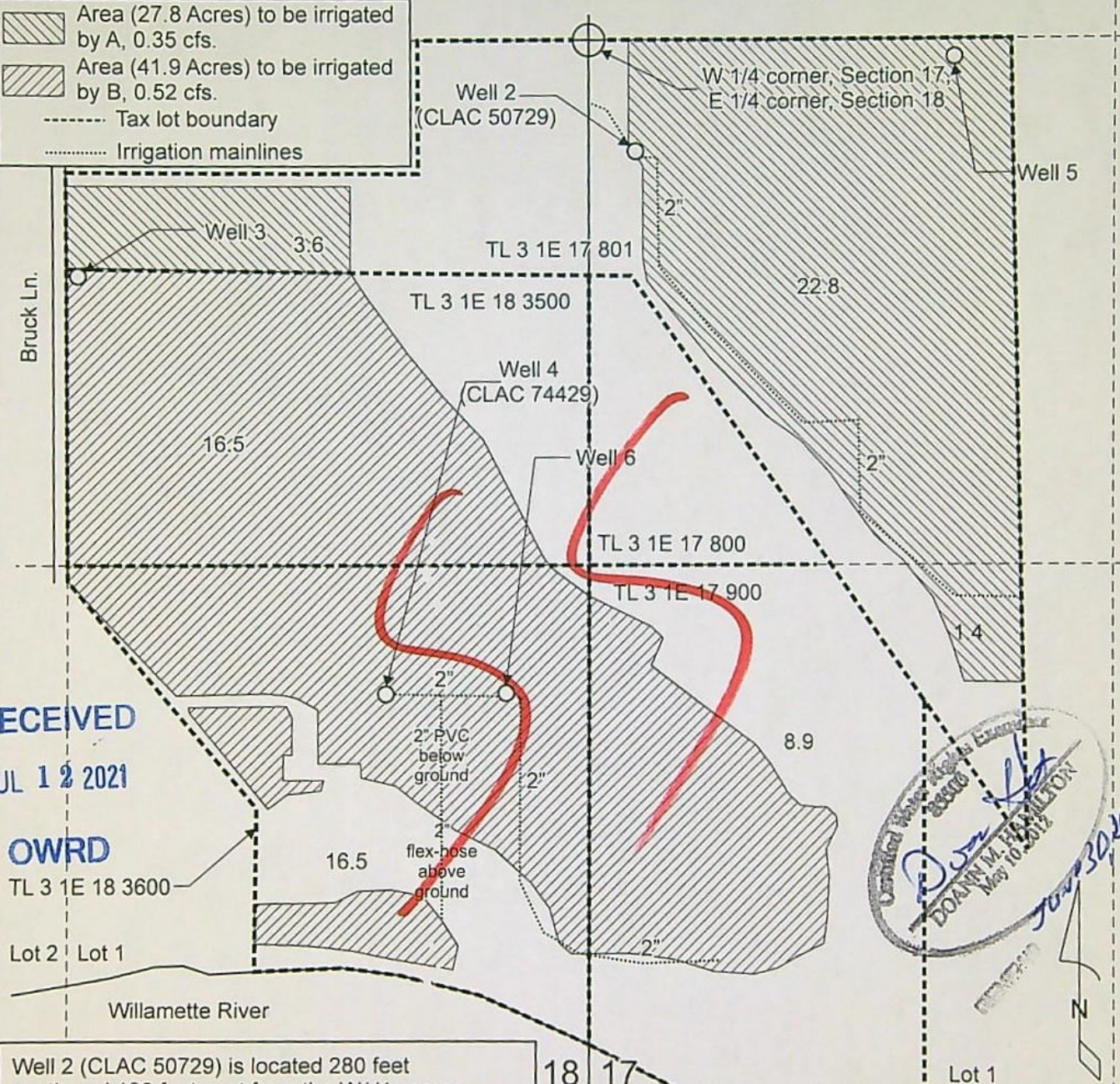
RECEIVED

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T.3S. R.1E. Sec. 17 & 18, W.M.

-  Area (27.8 Acres) to be irrigated by A, 0.35 cfs.
-  Area (41.9 Acres) to be irrigated by B, 0.52 cfs.
- Tax lot boundary
- Irrigation mainlines



RECEIVED

JUL 12 2021

OWRD

TL 3 1E 18 3600

Lot 2 Lot 1

Willamette River

Well 2 (CLAC 50729) is located 280 feet south and 120 feet east from the W1/4 corner, Section 17. Assigned to A.

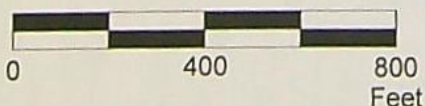
Well 3 is located 590 feet south and 1,290 feet west from the E1/4 corner, Section 18. Assigned to B.

Well 4 (CLAC 74429) is located 1,640 feet south and 515 feet west from the E1/4 corner, Section 18. Assigned to B.

Well 5 is located 45 feet south and 920 feet east from the W1/4 corner, Section 17. Assigned to A.

Well 6 is located 1,640 feet south and 210 feet west from the E1/4 corner, Section 18. Assigned to B.

Scale: 1" = 400'



This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

Split a Permit Request Map
Application G-17230, Permit G-17968

Pacific Hydro-Geology Inc.

Vernon Bruck
T.3S. R.1E. Sec. 17 & 18, W.M.

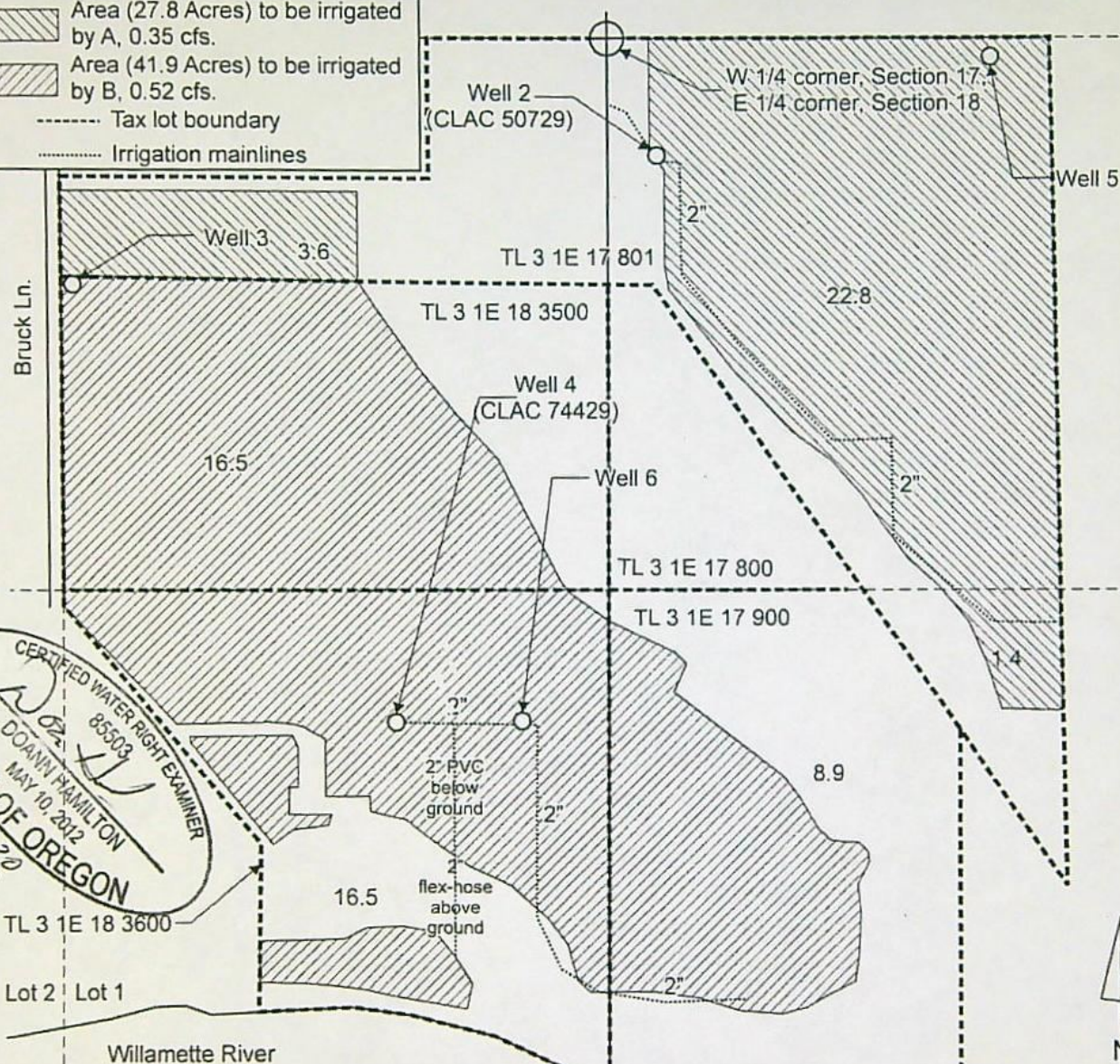
05/2021

BruckSplit.cdr

AUG 10 2021

T.3S. R.1E. Sec. 17 & 18, W.M. Salem, OR

- Area (27.8 Acres) to be irrigated by A, 0.35 cfs.
 Area (41.9 Acres) to be irrigated by B, 0.52 cfs.
 ----- Tax lot boundary
 Irrigation mainlines



Well 2 (CLAC 50729) is located 280 feet south and 120 feet east from the W1/4 corner, Section 17.

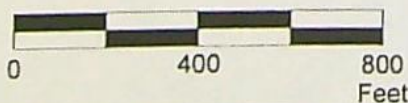
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Split a Permit Request Map
Application G-17230, Permit G-17968

13824

Vernon Bruck

T.3S. R.1E. Sec. 17 & 18, W.M.

Pacific Hydro-Geology Inc.




05/2021
Rev. 08/2021

CERTIFIED WATER RIGHT EXAMINER
 DOAN HAMILTON
 85503
 MAY 10, 2012
 STATE OF OREGON
 EXPIRES: 2/10/2023

Split A Permit Application Checklist

Checked by Aula

Date 7/15/21

- ☒ 1. Permit #: G-17968 Permit "C Date": 10/1/24
Has "C Date" Expired? If YES, , CANNOT ACCEPT.
- ☒ 2. Permit Type of Use: Nursery If other than irrigation, nursery, temperature control, stock watering or agriculture, , CANNOT ACCEPT
- ☒ 3. Is Applicant a unit of local government, port, water authority, or a district? If YES, , CANNOT ACCEPT. No

(If OK, check box to left; if not, fill in the blank)

- ☒ 4. Page 1 of application: Are the attachments listed below actually included?

Required Attachments

<input checked="" type="checkbox"/>	Completed application map with CWRE signature.
<input checked="" type="checkbox"/>	Completed Affidavit of Non-Conveyance and Reading of Permit.
<input checked="" type="checkbox"/>	Copy of recorded deed.
<input checked="" type="checkbox"/>	a) Agreement as to assignment if all landowners are applicants, or b) Information identifying names, addresses, and proportionate interest for those not submitting the assignment and request
<input checked="" type="checkbox"/>	Completed Cost of Work Estimate Form

If not, what box is not checked and/or what attachment is missing? _____

- ☒ 5. Is the \$125.00 non-refundable fee included? _____
- ☒ 6. Part 3 of application: Have all the applicants listed in Part 3 signed the application?
If not, whose signature is missing? _____
- ☒ 7. Part 4 of application: Is the permit shown by WRIS as non-cancelled?

8. If all #1-#7 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application and place it along with this checklist in the "split a permit" orange folder, pull the water right application file and rubber band the orange folder to the water right application file.

If #4, #5, #6, or #7 on this checklist are deficient, the application CANNOT be accepted. It should be returned and the deficiencies should be listed in the "staff" section of the Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

August 27, 2021

Vernon Bruck
PO Box 2837
Wilsonville, OR 97070

RE: Split a Permit Application

We are in receipt of your application to Split a Permit and Request for Issuance of Replacement Permits. Our Receipt #135823 for your \$125.00 for the estimated cost to process our application is enclosed.

Also enclosed is the Applicant's Agreement which includes the estimated cost of the work to be performed. In order to commence work, the Agreement must be signed and accompanied with the full payment of the estimated maximum cost.

Please read the Agreement thoroughly and follow the instructions to proceed with the process.

Please mail the signed contract and check in the amount of \$960.00 prior to **September 27, 2021**, to:

Oregon Water Resources Department
Attn: Arla L Davis
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266

If you have any questions, please contact me by e-mail at arla.l.davis@oregon.gov

Sincerely,

Arla L Davis
Transfer Specialist
Transfer and Conservation Section

Enclosures

cc: Pacific Hydro-Geology, Doann Hamilton (via email)
Joel Plahn, District 20 Watermaster (via email)

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **136378**

INVOICE # _____

RECEIVED FROM: VP Bruck Filberts LLC

BY: _____

APPLICATION	
PERMIT	
TRANSFER	1-13824

CASH: ☐ CHECK:# 3246 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 960.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) Split A Permit \$ 960.00

TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE 0202 \$ _____ RECORD FEE \$ _____

0203 GROUND WATER EXAM FEE 0204 \$ _____ RECORD FEE \$ _____

0205 TRANSFER EXAM FEE 0219 \$ _____ LICENSE FEE \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE 0220 \$ _____ LICENSE FEE \$ _____

LANDOWNER'S PERMIT

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____

0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____

0231 HYDRO LICENSE FEE (FW/WRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **136378**

DATED: 9-9-2021 BY: Mindy Carlson

RECEIVED

SEP 09 2021

OWRD

**SPLIT A PERMIT and REQUEST FOR ISSUANCE
OF REPLACEMENT PERMITS
APPLICANT'S AGREEMENT**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Vernon Bruck**, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes	Name: Vernon Bruck	Name: Pacific Hydro-Geology
Title: Transfer Program Analyst	Address: PO Box 2837	Contact: Doann Hamilton
Address: 725 Summer Street, NE	Wilsonville, OR 97070	Address: 18487 S. Valley Vista Rd.
Suite A	Phone: 503-682-5749	Mulino, OR 97042
Salem, OR 97301-1266		Phone: 503-632-5016
Phone: 503 979-3129		Email: phgdmh@gmail.com
Email: arla.l.davis@oregon.gov		

Purpose The purpose of this Agreement is to process the **Split a Permit Application**. (Permit Number: G-17968)

1. **Authority** The OWRD has been authorized pursuant to ORS 537.225 to receive and review application for assignment of all or part of the water right permit and for the issuance of a replacement water right permit that reflects that assignment. In addition OAR 690-325-0010 through 0110 establishes the requirements and procedures for evaluating the application. In making this agreement, OWRD shall require the applicant to pay the full cost of evaluating the application.
2. **Restrictions.** Vernon Bruck and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Statement of Work.** The Statement of Work is contained in Exhibit A attached hereto and incorporated by reference into this Agreement. OWRD agrees to perform this work in accordance with the terms and conditions of this Agreement.
5. **Consideration.**
 - a. **Vernon Bruck** shall pay OWRD in advance for actual costs incurred by OWRD as specified in the Statement of work attached and incorporated as Exhibit A. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$960.00**. **Vernon Bruck**, agrees to pay the full amount of **\$960.00** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
 - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
6. **Contract Documents.** This Agreement consists of the following documents which are listed in descending order of precedence: this Agreement and the attached Exhibit A. All attached Exhibits are incorporated into this Agreement by reference.
7. **Confidentiality.** **Vernon Bruck** agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.

8. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.
9. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant will refund any unspent balance after paying the contractor for the work done.
10. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
11. **Duration of Estimate.** The Estimate of Time to complete the work in Exhibit A (Statement of Work) becomes null and void after thirty- (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant must re-apply for a new estimate.
12. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, statutory waiting periods, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
13. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
14. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
15. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant:

Vener Brock owner
Name/Title:

9-8-21
Date

For OWRD:

Dwight French – Administrator WRSD

Date

Mail signed Agreement to:

Arla L Davis
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

